

**Jennifer Wood**  
**Mayor**

**J. Carlos Gomez**  
**Mayor Pro Tem**

**Chuck McGuire**  
**Councilmember**

**Donald Parris**  
**Councilmember**

**Eugene Stump**  
**Councilmember**



## **AGENDA**

**CITY OF CALIFORNIA CITY  
JOINT MEETING OF THE CITY COUNCIL  
AND THE SUCCESSOR AGENCY  
FOR THE CALIFORNIA CITY REDEVELOPMENT AGENCY**

**Tuesday October 9, 2018  
Regular Meeting 6:00 pm**

Council Chambers  
21000 Hacienda Blvd.  
California City, Ca 93505

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (760) 373-7140. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

**NOTE:** Any writings or documents provided to a majority of the City Council regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting

**LATE COMMUNICATIONS:** Following the posting of the agenda any emails, writings or documents that the public would like to submit to the council must be received by the City Clerk no later than 3pm the Monday prior to the meeting. Past that deadline citizens may bring these items directly to the meeting. Please bring 10 copies for distribution to council, staff and the public.

October 9, 2018

***\*\*At this time, please take a moment to turn off your cell phones\*\****

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE / INVOCATION**

**ROLL CALL**

Councilmembers McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

**ADOPT THE AGENDA**

**CITY CLERK REPORTS / LATE COMMUNICATIONS**

**PRESENTATIONS**

Assemblyman Tom Lackey / Police Chief Hurtado: "Life Saving Medal" Jessie Hightower

**STAFF ANNOUNCEMENTS / REPORTS**

Fire Chief David Goodell – Department Update

Police Chief Hurtado – Department Update

Public Works Director Platt – Department Update

Budget Analyst Foster – Department Update

Parks Manager Daverin – Parks and Recreation Update

City Manager Stockwell – City Update

AB 1234 – Council Updates

**CIVIC / COMMUNITY / ORGANIZATIONS ANNOUNCEMENTS**

**PUBLIC BUSINESS FROM THE FLOOR** This portion of the meeting is reserved for persons desiring to address the City Council on any matter not on this agenda, and over which the City Council has jurisdiction. Please state your name for the record and limit your comments to three minutes.

**CONSENT CALENDAR** All items on the consent calendar are considered routine and non-controversial and will be approved by one motion if no member of the Council, staff or public wishes to comment or ask questions. (Public comments to be limited to three minutes) Roll call vote required.

**CC 1.** Approve City Check Registers dated through 10/04/18

**CC 2.** California City Staffing Document FY 2018/19; Period Ending October 4, 2018

**CC 3.** Give Second Reading, by Title only, with Further Reading Waived and adopt  
"ORDINANCE NO.18-768 OF THE CITY COUNCIL OF THE CITY OF  
CALIFORNIA CITY AMENDING CHAPTER 3 (FIREARMS) OF TITLE 4 (PUBLIC  
SAFETY) OF THE CALIFORNIA CITY MUNICIPAL CODE REGULATING  
FIREARMS"

**CC 4.** Approve the Memorandum of Agreement between the Kern Council of Governments acting as the Kern Motorist Aid Authority and the Kern County City of California City

**CC 5.** Bi-Annual Conflict of Interest Code Review

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## **PUBLIC HEARING**

**PH 1.** Initial Study, Negative Declaration, and General Plan Amendment 18-04, (GPA 18-04) and the Adoption of Zone Change 18-04, (ZC 18-04) for a 10 Acre parcel located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505. The project certifies a Negative Declaration per CEQA in order to Rezone and Amend the General Plan from O/RA Open Space/Residential/Agricultural O/RA to M1 Light Industrial and Research Zone to accommodate industries like solar companies, storage facilities and or cannabis industries. (Parzych Family Trust represented by Patricia Resnik) – Public Works Director Platt

## **PUBLIC HEARING PROCEDURE**

- A. Mayor read the item
- B. Mayor reopen the Public Hearing open
- C. Hear staff report
- D. Council questions only
- E. Ask city clerk to report on any communication(s)
- F. Mayor call for public testimony
- G. Close Public Hearing by motion
- H. Council discussion
- I. Council motion and vote

## **Recommendation**

Council discuss, take public testimony and

**Adopt “RESOLUTION NO. 10-18-2758 OF THE CITY COUNCIL OF THE CITY OF CITY OF CALIFORNIA CITY APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR A 10 ACRE PARCEL LOCATED 0.2 MILES EAST OF NEURALIA ROAD AND 0.18 MILES NORTH OF LINDBERGH BOULEVARD IN SECTION 27, TOWNSHIP 32, RANGE 38, APN: 229-010-13 FROM OPEN SPACE/ RESIDENTIAL/AGRICULTURE (O/RA) TO LIGHT INDUSTRIAL ZONE (M1)”**

(Parzych Family Trust represented by Patricia Resnik) and

**Adopt “RESOLUTION NO. 10-18-2759 OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE GENERAL PLAN DESIGNATION OF A 10 ACRE PARCEL LOCATED 0.2 MILES EAST OF NEURALIA ROAD AND 0.18 MILES NORTH OF LINDBERGH BOULEVARD IN SECTION 27, TOWNSHIP 32, RANGE 38, APN: 229-010-13 FROM OPEN SPACE/RESIDENTIAL AGRICULTURE (O/RA) TO LIGHT INDUSTRIAL ZONE (M1)” (Parzych Family**

Trust /Zone Change No. 18-04) and

**Give First Reading, by Title only, with Further Reading waived of “ORDINANCE NO. 18-769 OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REZONING A 10 ACRE PARCEL LOCATED 0.2 MILES EAST OF NEURALIA ROAD AND 0.18 MILES NORTH OF LINDBERGH BOULVERARD IN SECTION 27, TOWNSHIP 32, RANGE 38, APN: 229-010-13 FROM OPEN SPACE/RESIDENTIAL / AGRICULTURE (O/RA) TO LIGHT INDUSTRIAL ZONE (M1)” (Parzych Family Trust /Zone Change No. 18-04)**

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**NEW BUSINESS / CITY COUNCIL**

**NB 1. Finance Director Appointment – City Manager Stockwell**

**Recommendation**

Council discuss and authorize the City Manager to appoint Diego Ibanez as the Finance Director

**NB 2. Resolution: Cannabis Application Process and Procedure for Selecting Cannabis Dispensary – City Manager Stockwell**

**Recommendation**

Council discuss and adopt “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA, CALIFORNIA ADOPTING THE PROCESS FOR ISSUING CANNABIS BUSINESS PERMITS AND ADOPTING THE PROCEDURE FOR SELECTING CANNABIS DISPENSARY PERMITTEES”

**NB 3. Green Houses for Cannabis Cultivation – City Manager Stockwell**

**Recommendation**

Council discuss and direct the City Manager and City Attorney to develop the necessary agreement to allow for the construction of greenhouses for cultivation of cannabis on a temporary basis (2-5 years) until there is enough electrical power to support indoor cultivation.

**NB 4. CalPERS Employee – Urgency Declaration – Police Chief Hurtado**

**Recommendation**

Council discuss and declare an “Urgency” under CalPERS. Staff has identified Rocky Gallant as a former California City Police Records employee who has specialized training needed for this position. The City would be unable to fill this position quickly enough to prevent a disruption in critical services.

**NB 5. Proposed City Engineer Position and Job Description – Public Works Director Platt**

**Recommendation**

Council discuss and authorize the position of City Engineer and the associated job description

**NB 6. Proposed Part-Time Janitor Position and Job Description – Building Official Barragan**

**Recommendation**

Council discuss and approve the new position and job description as presented

**NEW BUSINESS / SUCCESSOR AGENCY**

**NB 1. Amendments to 3 Purchase and Sales Agreements – Executive Director Stockwell**

- A) K & D Estates, Inc.
- B) Canna Pharmaceuticals, Inc.
- C) Meister & Meister, Inc

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Recommendation:

Successor Agency Board to authorize the executive director of the Successor Agency to execute the three attached Amendments to the purchase sale agreements, in a final form approved by the city attorney.

**COUNCIL AGENDA**

This portion of the meeting is reserved for council members to present information, announcements, and items that have come to their attention. The Brown Act precludes Council, staff or public discussion. Short staff responses are appropriate. The Council will take no formal action. A Council member may request the City Clerk to calendar an item for consideration at a future meeting or refer an item to staff.

**Councilmember McGuire  
Councilmember Parris  
Councilmember Stump  
Mayor Pro Tem Gomez  
Mayor Wood**

**CLOSED SESSION**

**PUBLIC COMMENTS**

Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given three minutes to speak.

**CLOSED SESSION**

**CS 1.** Pursuant to Cal. Gov't Code §54957.6: Conference with Labor Negotiator, City Manager Stockwell– Negotiations; California City Miscellaneous Union  
California City Firefighters Association

**ADJOURNMENT**

**AFFIDAVIT OF POSTING:** This agenda was posted on all official City bulletin boards, the City's website and agenda packets were completely accessible to the public at City Hall at least 72 hours prior to the Council Meeting.

Denise Hilliker, City Clerk



## Report Criteria:

Report type: Invoice detail

Vendor.Vendor Number = {&lt;&gt;} 1039

Bank.Bank Number = 1

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
09/18	09/27/2018	103672	AT&T Wireless	PD Cell Service	287281248059X090	1,978.21	1,978.21
Total 103672:							1,978.21
09/18	09/27/2018	103673	Charter Communications	Police Basic Web Hosting Cl	11143092118	1,304.14	1,304.14
Total 103673:							1,304.14
09/18	09/27/2018	103674	Victoria Espindola	Dispensary Permit Refund	21601025	3,258.00	3,258.00
Total 103674:							3,258.00
09/18	09/27/2018	103675	Frontier	ACO Telephone	040709-5 091318	22.20	22.20
09/18	09/27/2018	103675	Frontier	PD Landline Service	070174-5 091318	277.85	277.85
Total 103675:							300.05
09/18	09/27/2018	103676	Johnson, Mary	League of Cities Conf Reim	TRAVEL 091418	623.34	623.34
Total 103676:							623.34
09/18	09/27/2018	103677	SoCalGas	Scout Island Gas Service	047 144 4368 8 091	15.88	15.88
09/18	09/27/2018	103677	SoCalGas	TDS Gas Service	101 514 0142 8 091	41.79	41.79
09/18	09/27/2018	103677	SoCalGas	Gas Service	173 738 1691 1 091	389.43	389.43
09/18	09/27/2018	103677	SoCalGas	Pool Gas	187 876 2570 8 091	21.52	21.52
Total 103677:							468.62
09/18	09/27/2018	103678	Southern California Edison Co	TDS Electricity	2-33-161-4651 091	3,479.02	3,479.02
Total 103678:							3,479.02
10/18	10/04/2018	103679	Anne Sprague	Service Charge Refund	100227.01	300.00	300.00
Total 103679:							300.00
10/18	10/04/2018	103680	Frontier	Telephone Service from Ve	081506-5 091918	2,874.49	2,874.49
Total 103680:							2,874.49
10/18	10/04/2018	103681	Vazquez, Richard	WWTP Grade V Certificatio	TRAVEL101318	199.00	199.00
Total 103681:							199.00
10/18	10/04/2018	103682	Verizon Wireless	City Camera Data/Transmi	9814789401	152.22	152.22
10/18	10/04/2018	103682	Verizon Wireless	MDC Aircards	9814789402	190.05	190.05
Total 103682:							342.27
10/18	10/04/2018	103683	3D Imaging Systems, Inc	Copier Supplies	67325	105.11	105.11
10/18	10/04/2018	103683	3D Imaging Systems, Inc	Post Base Labels	67326	58.99	58.99
Total 103683:							164.10

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
10/18	10/04/2018	103684	Alexander Enterprises, Inc	Water Billing Process July2	2626	3,169.80	3,169.80
Total 103684:							3,169.80
10/18	10/04/2018	103685	Amber Chemical, Inc.	Hypochlorite Solution	0352080-IN	282.60	282.60
10/18	10/04/2018	103685	Amber Chemical, Inc.	Hypochlorite Solution	0352226-IN	401.12	401.12
10/18	10/04/2018	103685	Amber Chemical, Inc.	Hypochlorite Solution	0352385-IN	246.14	246.14
Total 103685:							929.86
10/18	10/04/2018	103686	AmeriPride	Uniform Maintenance	2100710619	207.36	207.36
10/18	10/04/2018	103686	AmeriPride	Uniform Maintenance	2100712162	212.36	212.36
Total 103686:							419.72
10/18	10/04/2018	103687	Bound Tree Medical	Ondansetron Tablets	82984805	16.95	16.95
Total 103687:							16.95
10/18	10/04/2018	103688	Burkhart, Michaele	Tiny Tot Contractor Fees	SEP2018	133.00	133.00
Total 103688:							133.00
10/18	10/04/2018	103689	Byerly Veterinary Service	DEA License Use & Log Ins	10540	90.00	90.00
Total 103689:							90.00
10/18	10/04/2018	103690	Cal City Pet Clinic	Voucher Program Aug 201	41867	620.00	620.00
Total 103690:							620.00
10/18	10/04/2018	103691	California Peace Officers Asso	ARPOC Conference Reg Cra	4899	740.00	740.00
Total 103691:							740.00
10/18	10/04/2018	103692	Chamber of Commerce	Reimburse for Safety Vest-	114-5618202-6789	112.50	112.50
Total 103692:							112.50
10/18	10/04/2018	103693	Chief Supply Corporation, Inc	Traffic Vests	84669	266.39	266.39
10/18	10/04/2018	103693	Chief Supply Corporation, Inc	PD Polo Shirts	86716	159.45	159.45
Total 103693:							425.84
10/18	10/04/2018	103694	City Hardware, Inc	Fire Hardware Supplies	100405 093018	105.30	105.30
10/18	10/04/2018	103694	City Hardware, Inc	Parks Hardware Supplies	100412 083118	69.36	69.36
Total 103694:							174.66
10/18	10/04/2018	103695	Coastline Equipment	John Deere Tractor Repair	517913	45.50	45.50
Total 103695:							45.50
10/18	10/04/2018	103696	Code3 IT	Monthly Contracted IT Serv	40787	7,513.75	7,513.75
Total 103696:							7,513.75
10/18	10/04/2018	103697	De Lage Landen, Inc	Copier Lease	60819854	208.07	208.07



GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103697:							208.07
10/18	10/04/2018	103698	Dennis Automotive	Unit 3009 Brakes	18599	120.00	120.00
10/18	10/04/2018	103698	Dennis Automotive	Unit 3012 Service	18616	40.00	40.00
10/18	10/04/2018	103698	Dennis Automotive	Unit 250 Smog	23338	51.75	51.75
10/18	10/04/2018	103698	Dennis Automotive	Unit 243 Smog	23340	51.75	51.75
10/18	10/04/2018	103698	Dennis Automotive	Unit 253 Smog	23349	51.75	51.75
10/18	10/04/2018	103698	Dennis Automotive	Unit 205 Smog	23412	51.75	51.75
Total 103698:							367.00
10/18	10/04/2018	103699	Diamond Finish Mobile Wash	Mobile Car Wash	122	165.00	165.00
Total 103699:							165.00
10/18	10/04/2018	103700	DigiTech Inc.	TDS Monthly Security Servi	8855	35.00	35.00
10/18	10/04/2018	103700	DigiTech Inc.	TDS Monthly Security Servi	8955	35.00	35.00
10/18	10/04/2018	103700	DigiTech Inc.	Security Service Balsitis Pa	8996	35.99	35.99
10/18	10/04/2018	103700	DigiTech Inc.	TDS Monthly Security Servi	9078	35.00	35.00
10/18	10/04/2018	103700	DigiTech Inc.	Scout Island Repair Radio	9095	385.00	385.00
Total 103700:							525.99
10/18	10/04/2018	103701	Emergency Reporting	Fire & EMS Package Sep20	2018_5033	325.58	325.58
Total 103701:							325.58
10/18	10/04/2018	103702	EMS Charts	EMS Software Annual Rene	1809-C3001-1	1,994.00	1,994.00
Total 103702:							1,994.00
10/18	10/04/2018	103703	Entenmann-Rovin Company	Badge - 73 Refurb & Refinis	0138469-IN	76.74	76.74
Total 103703:							76.74
10/18	10/04/2018	103704	Expert Automotive	Unit 244 Heater Core Repla	46300	560.00	560.00
Total 103704:							560.00
10/18	10/04/2018	103705	Failsafe Testing	Ground ladders tested	9956	471.20	471.20
Total 103705:							471.20
10/18	10/04/2018	103706	Fed Ex	WWTP Samples Mailing	6-307-53589	106.11	106.11
10/18	10/04/2018	103706	Fed Ex	WWTP Samples Mailing	6-314-83753	108.95	108.95
Total 103706:							215.06
10/18	10/04/2018	103707	Ferguson Waterworks	Phase 1 Booster	063991	10,810.80	10,810.80
10/18	10/04/2018	103707	Ferguson Waterworks	Install Main, Poppy & North	0649082	146.93	146.93
10/18	10/04/2018	103707	Ferguson Waterworks	Install Main, Poppy & North	0649424	122.07	122.07
10/18	10/04/2018	103707	Ferguson Waterworks	Install Main, Poppy & North	0649645	286.41	286.41
10/18	10/04/2018	103707	Ferguson Waterworks	Install Main, Poppy & North	0649765	864.83	864.83
10/18	10/04/2018	103707	Ferguson Waterworks	Phase 1 Booster	CM051408	10,810.80	10,810.80
Total 103707:							1,420.24
10/18	10/04/2018	103708	Fisher Scientific	Carbon Shield Hood	7017843	188.90	188.90

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103708:							188.90
10/18	10/04/2018	103709	G2Solutions, Inc	LiveScan Transmittal Fee S	158859	12.75	12.75
Total 103709:							12.75
10/18	10/04/2018	103710	Grainger, Inc	WWTP Supplies	9899188487	191.63	191.63
Total 103710:							191.63
10/18	10/04/2018	103711	Granite Construction Compan	Cold Mix Asphalt	1460842	7,461.80	7,461.80
Total 103711:							7,461.80
10/18	10/04/2018	103712	Graphic Control	WWTP Supplies	NH3265	410.57	410.57
Total 103712:							410.57
10/18	10/04/2018	103713	Great America Financial	PW Copier Lease	23417222	1,051.75	1,051.75
Total 103713:							1,051.75
10/18	10/04/2018	103714	Gsolutionz Inc	Monthly Support	182702	788.00	788.00
Total 103714:							788.00
10/18	10/04/2018	103715	Helt Engineering, Inc	Rands Mojave Rehab 1540	18-360	3,072.50	3,072.50
10/18	10/04/2018	103715	Helt Engineering, Inc	Plan Check SDR 17-57 174	18-361	4,727.45	4,727.45
10/18	10/04/2018	103715	Helt Engineering, Inc	Systemic Safety Analysis Rp	18-362	4,220.00	4,220.00
10/18	10/04/2018	103715	Helt Engineering, Inc	Southside Water Mains Rep	18-363	9,380.00	9,380.00
Total 103715:							21,399.95
10/18	10/04/2018	103716	Interon LLC	Dual Monitor Adapter,Stan	3191	132.25	132.25
10/18	10/04/2018	103716	Interon LLC	Website Build & 3 Years Ho	3193	850.00	850.00
10/18	10/04/2018	103716	Interon LLC	Setup Workstation, Clean R	3200	650.00	650.00
Total 103716:							1,632.25
10/18	10/04/2018	103717	Kieffe & Sons Ford	Unit 314 Repairs	35789	113.78	113.78
10/18	10/04/2018	103717	Kieffe & Sons Ford	Unit 206 Repair	35939	11,252.29	11,252.29
10/18	10/04/2018	103717	Kieffe & Sons Ford	Unit 311 Repairs	36034	281.05	281.05
10/18	10/04/2018	103717	Kieffe & Sons Ford	Unit 345 Repairs & Factory	36429	223.66	223.66
Total 103717:							11,870.78
10/18	10/04/2018	103718	LN Curtis and Sons	Fire Latch Assembly	INV209496	48.61	48.61
Total 103718:							48.61
10/18	10/04/2018	103719	M&M's Sports, Uniforms And	PD Screen Printing	42394	105.11	105.11
Total 103719:							105.11
10/18	10/04/2018	103720	Manning & Kass, Ellrod,	Ciriaco Flores et al Claim#	604611	2,818.68	2,818.68
Total 103720:							2,818.68

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
10/18	10/04/2018	103721	Martha's Cleaning Service	Scout Lodge Special Event	1695	500.00	500.00
Total 103721:							500.00
10/18	10/04/2018	103722	McMaster Carr	WWTP Building Maint Part	72833897	115.83	115.83
Total 103722:							115.83
10/18	10/04/2018	103723	Merchant's Printing & Envelo	Business Cards Hightower	8881378	41.83	41.83
Total 103723:							41.83
10/18	10/04/2018	103724	Mission Uniform Service	Laundry Service PD	508238709	71.95	71.95
10/18	10/04/2018	103724	Mission Uniform Service	Hand Sanitizer	508284171	34.32	34.32
10/18	10/04/2018	103724	Mission Uniform Service	Laundry Service PD	508297473	59.85	59.85
Total 103724:							166.12
10/18	10/04/2018	103725	Mojave Desert News	PeeWee Soccer League Ad	51262	105.00	105.00
Total 103725:							105.00
10/18	10/04/2018	103726	MuniTemps	Planning Dept Staffing	128673	3,155.63	3,155.63
Total 103726:							3,155.63
10/18	10/04/2018	103727	Norm Hill Aviation	ACO Internet Oct 2018	3271	50.00	50.00
Total 103727:							50.00
10/18	10/04/2018	103728	Office Depot	Fire Office Supplies	182187933001	141.68	141.68
10/18	10/04/2018	103728	Office Depot	Fire Office Supplies	190533632001	212.98	212.98
10/18	10/04/2018	103728	Office Depot	HR Office Supplies	200181811001	79.82	79.82
10/18	10/04/2018	103728	Office Depot	HR Office Supply Return	201795586001	22.99	22.99
10/18	10/04/2018	103728	Office Depot	HR Office Supplies	201800586001	11.50	11.50
10/18	10/04/2018	103728	Office Depot	PD Office Supplies	202594668001	32.18	32.18
10/18	10/04/2018	103728	Office Depot	PD Office Supplies	202594800001	11.15	11.15
10/18	10/04/2018	103728	Office Depot	PD Office Supplies	202594801001	44.91	44.91
10/18	10/04/2018	103728	Office Depot	Finance Office Supplies	203281481001	327.31	327.31
10/18	10/04/2018	103728	Office Depot	Parks Janitorial Supplies	203282032001	15.99	15.99
10/18	10/04/2018	103728	Office Depot	HR Office Supplies	203325071001	9.72	9.72
10/18	10/04/2018	103728	Office Depot	PD Office Supplies	203623461001	42.79	42.79
10/18	10/04/2018	103728	Office Depot	PD Office Supplies	203623793001	30.48	30.48
10/18	10/04/2018	103728	Office Depot	Finance Office Supplies	207703059001	46.81	46.81
Total 103728:							890.71
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	666318	195.75	195.75
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	666320	137.23	137.23
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667245	3.14	3.14
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667499	96.45	96.45
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667543	128.56	128.56
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667547	54.61	54.61
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667557	83.59	83.59
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	667582	255.23	255.23
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	667607	45.74	45.74
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	667623	49.64	49.64
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667727	7.38	7.38
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667808	72.76	72.76

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667865	300.11	300.11
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667868	21.45	21.45
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	667871	348.44	348.44
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667874	162.67	162.67
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	667882	173.69	173.69
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667917	96.46	96.46
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667934	124.52	124.52
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667937	73.79	73.79
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667938	9.26	9.26
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	667942	139.41	139.41
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668000	7.06	7.06
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668079	25.28	25.28
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668081	269.84	269.84
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668091	16.07	16.07
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668121	4.60	4.60
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668128	277.19	277.19
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668145	2.18	2.18
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668155	173.69	173.69
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668187	314.65	314.65
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668188	23.17	23.17
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668193	161.95	161.95
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668322	41.27	41.27
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668432	19.51	19.51
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668450	29.60	29.60
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668484	143.39	143.39
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668487	52.61	52.61
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668490	56.06	56.06
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668491	161.95	161.95
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668495	18.53	18.53
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668496	15.73	15.73
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668497	19.51	19.51
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668541	84.73	84.73
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668543	17.75	17.75
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668551	170.25	170.25
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668633	12.86	12.86
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668811	81.74	81.74
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668815	92.64	92.64
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668848	85.55	85.55
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668885	307.56	307.56
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668886	6.10	6.10
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668887	21.44	21.44
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668907	35.62	35.62
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668909	65.33	65.33
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	668916	11.80	11.80
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668944	89.43	89.43
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668958	212.33	212.33
10/18	10/04/2018	103729	Palmdale Auto Parts	PW Auto Parts	668961	60.51	60.51
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	669011	75.47	75.47
10/18	10/04/2018	103729	Palmdale Auto Parts	PD Auto Parts	669012	9.28	9.28
Total 103729:							5,491.19
10/18	10/04/2018	103730	Parker Construction	White Aluminum Sign for S	201835	300.00	300.00
10/18	10/04/2018	103730	Parker Construction	City Seal Decals	201836	700.00	700.00
10/18	10/04/2018	103730	Parker Construction	Meg S&R/Volunteer Veh Si	201837	552.00	552.00
Total 103730:							1,552.00
10/18	10/04/2018	103731	Praxair Distribution Inc	Monthly Rental	83626869	124.20	124.20

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
10/18	10/04/2018	103731	Praxair Distribution Inc	Monthly Rental	85199013	124.20	124.20
10/18	10/04/2018	103731	Praxair Distribution Inc	Late charge Invoice 853531	85353154	1.84	1.84
Total 103731:							250.24
10/18	10/04/2018	103732	R & R Products, Inc	TDS Fareway & Rough Unit	CD2279077	6,802.68	6,802.68
Total 103732:							6,802.68
10/18	10/04/2018	103733	RMC Water & Environment	California City Fremont Bas	26499	45,094.30	45,094.30
Total 103733:							45,094.30
10/18	10/04/2018	103734	Roach, Andrew	Tuition Reimb Mgmt of Fire	106983 FIR4312	607.50	607.50
Total 103734:							607.50
10/18	10/04/2018	103735	RSI Petroleum	Oil/Grease	0322917	154.22	154.22
10/18	10/04/2018	103735	RSI Petroleum	Fire Fuel	1071814	1,266.37	1,266.37
10/18	10/04/2018	103735	RSI Petroleum	Fuel PD	1071816	3,083.60	3,083.60
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel	1071817	191.98	191.98
10/18	10/04/2018	103735	RSI Petroleum	OHV Law Enforcement Fuel	1071818	185.80	185.80
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel	1071853	2,414.23	2,414.23
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel 09/15/18	1071854	138.50	138.50
10/18	10/04/2018	103735	RSI Petroleum	Parks Fuel	1071855	150.00	150.00
10/18	10/04/2018	103735	RSI Petroleum	AC Fuel	1071856	107.33	107.33
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel 09/15/18	1071857	577.68	577.68
10/18	10/04/2018	103735	RSI Petroleum	Code Enf Fuel	1071858	58.69	58.69
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel 09/15/18	1071859	1,182.68	1,182.68
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel 09/15/18	1071865	48.73	48.73
10/18	10/04/2018	103735	RSI Petroleum	OHV Law Enforcement Fuel	1071868	306.06	306.06
10/18	10/04/2018	103735	RSI Petroleum	PW Fuel 09/15/18	1071869	99.48	99.48
Total 103735:							9,965.35
10/18	10/04/2018	103736	S.C. Friends Tire Inc.	Unit 231 Tire Replacement	34327	384.52	384.52
Total 103736:							384.52
10/18	10/04/2018	103737	Staples Advantage	Janitorial Supplies - City Ha	1621178090	432.73	432.73
Total 103737:							432.73
10/18	10/04/2018	103738	Statewide Safety & Signs	Navy Blue Vests & Stickers	12008209	101.91	101.91
Total 103738:							101.91
10/18	10/04/2018	103739	SYN-TECH SYSTEMS	Sales Tax Inv 95136 05/07	161663	66.76	66.76
Total 103739:							66.76
10/18	10/04/2018	103740	TurboData Systems	Citation Processing Service	28713	422.26	422.26
Total 103740:							422.26
10/18	10/04/2018	103741	Turf Star	TDS Toro Motor Blade Rep	7028778-01	51.33	51.33
10/18	10/04/2018	103741	Turf Star	TDS Toro Motor Blade Rep	7032031-00	1,255.99	1,255.99

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103741:							1,307.32
10/18	10/04/2018	103742	UPS	Service Charges	0000Y0573V248	49.80	49.80
Total 103742:							49.80
10/18	10/04/2018	103743	USA Bluebook	Supplies for Water	680615	620.83	620.83
10/18	10/04/2018	103743	USA Bluebook	Golf Course Supplies	681097	494.25	494.25
10/18	10/04/2018	103743	USA Bluebook	Meter Boxes	683038	4,176.67	4,176.67
Total 103743:							5,291.75
10/18	10/04/2018	103744	Waste Management	Port-o-Let Service TDS	0005818-4808-2	215.75	215.75
10/18	10/04/2018	103744	Waste Management	Port-o-Let Service Dog Par	0005819-4808-0	54.29	54.29
Total 103744:							270.04
10/18	10/04/2018	103745	Wells Fargo Financial Leasing	Copier Lease	5005309864	733.58	733.58
Total 103745:							733.58
10/18	10/04/2018	103746	Williams Construction	Fire Station 19 Water Dam	091818	3,500.00	3,500.00
Total 103746:							3,500.00
10/18	10/04/2018	103747	Zee Medical	PW First Aid Kit Refills	34-205910	220.66	220.66
Total 103747:							220.66
10/18	10/04/2018	103748	Zters	Port-A-Potty Service	315658	211.81	211.81
Total 103748:							211.81
10/18	10/04/2018	103749	Roman & Nataliya Botyanovsk	Deposit Refund	102281.05	58.33	58.33
Total 103749:							58.33
10/18	10/04/2018	103750	Josh Meister/Clearview Real E	Deposit Refund	104539.11	5.86	5.86
Total 103750:							5.86
10/18	10/04/2018	103751	Coldwell Banker/Peggy Mc Ad	Deposit Refund	100916.07	8.01	8.01
Total 103751:							8.01
10/18	10/04/2018	103752	Michael & Judith Cork	Deposit Refund	105730.06	51.10	51.10
Total 103752:							51.10
10/18	10/04/2018	103753	Hay Brothers/Richard Hugh	Deposit Refund	106912.01	495.80	495.80
10/18	10/04/2018	103753	Hay Brothers/Richard Hugh	Deposit Refund	106913.01	610.00	610.00
Total 103753:							1,105.80
10/18	10/04/2018	103754	Gevork Mamayan	Deposit Refund	106613.05	10.69	10.69
Total 103754:							10.69

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
10/18	10/04/2018	103755	Heather Martinez	Sports Fee Refund	1.122385	32.00	32.00
Total 103755:							32.00
10/18	10/04/2018	103756	Juan Martinez	Deposit Refund	103131.06	26.86	26.86
Total 103756:							26.86
10/18	10/04/2018	103757	Jeannie Riddles & Richard Gar	Deposit Refund	105946.02	4.66	4.66
Total 103757:							4.66
10/18	10/04/2018	103758	Ann Schenck	Overpayment	103537.06	34.81	34.81
Total 103758:							34.81
10/18	10/04/2018	103759	Lorena Semerenko	Deposit Refund	104743.02	57.08	57.08
Total 103759:							57.08
10/18	10/04/2018	103760	So Cal Realtors	Deposit Refund	104827.10	7.67	7.67
Total 103760:							7.67
Grand Totals:							173,176.87

I HEREBY CERTIFY AS TO THE ACCURACY OF THE DEMANDS AND AVAILABILITY OF FUNDS:

Dated: 10/4/18Finance Department Cynthia [Signature]

## Report Criteria:

Report type: Invoice detail

Vendor.Vendor Number = {&lt;&gt;} 1039

Bank.Bank Number = 1





## **CITY COUNCIL**

October 4, 2018

**TO: Mayor and City Council**

**From: Mary Johnson Human Resources Director**

**SUBJECT: STAFFING DOCUMENT AS OF 10/4/2018**

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### **BACKGROUND**

The attached report represents the City's work force in each department.

Changes to the Staffing report include:

1. Dawn Ferguson applied for the Fire Department Administrator and was selected as the replacement for Christopher R. Juarez-Jensma.
2. The transfer of Dawn Ferguson to the Fire Department in an Administrative position has left a position open for an Account Clerk II in the Utility Billing Department.
3. Destiny Copeland has been offered the position of Records Clerk in the Records Department pending background verification.
4. Magdalena Arias, the Utility Billing Supervisor, voluntary terminated her employment on 9/27/2018
5. Interviewing has taken place in search of a replacement for the Account Clerk positions in the Utility Billing Department. Ms. Foster is hopeful to identify a candidate within the next week.
6. An external candidate is in background for the Clerk Typist/Grant Administrator for the Police department.
7. Jacque Craig was transferred to Correctional Officer Jailer and replaced with Steve Karnazes.

#### **ADDITIONAL EMPLOYMENT Activities**

- Public Works continues to interview for GSW position, Waste Water treatment plant, Auto Mechanic Shop, and Heavy Equipment Operator., The City Manager continues to interview for an Accountant, Finance Director and Sr. Planning positions.

Serina Rodarte coordinated and implemented the annual Benefits Open Enrollment event that was held in the Strata Center. The event was a successful as representatives from the various benefit program was there to explain the benefits to the employees.

Serina did a great job in coordinating the event.

### **RECOMMENDATION**

Management recommends that this updated staffing report is approved for the month of October 4, 2018.

### **FISCAL IMPACT / ENVIRONMENTAL ACTION**

None



# CITY OF CALIFORNIA CITY STAFFING DOCUMENT FY 2018-2019

**Period Ending: October 04, 2018**

**Period Ending: October 04, 2018****Administration**

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
City Manager	Bob Stockwell	1	1	0	1	86	1	
Human Resources Director	Mary Johnson	1	1	0	1	60	3	
City Clerk	Denise Hillker	1	1	0	1	42	6	
Adminstration Assistant	Anna Linn	1	1	0	1	53	2	
Housing Manager	Amy Hurtado	1	1	0	1	40	5	

Total Administration Summary	Authorized	Assigned	Open	Filled
	5	5	0	5

Period Ending: October 04, 2018

Finance

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Finance Director	Open	1	0	1	0	60		FT
Accountant	Open	1	0	1	0	49		FT
Budget Analyst	Cynthia Foster	1	1	0	1	49	3	FT
Utility Supervisor	Open	1	0	1	0			FT
Account Clerk III	Serina Rodarte (HR/Payroll)	1	1	0	1	33	6	FT
Account Clerk III	Beth Boone (A/P)	1	1	0	1	33	6	FT
Account Clerk III	Open	1	0	1	0	33	6	FT
Data Processing Analyst	Cindy Berry	1	1	0	1	33	6	FT
Account Clerk I	Destiny Copland	1	1	0	1	14	2	FT
Account Clerk II	Open	1	0	1	0	29	3	FT
	Closed	1	0		0			
Total Finance Summary		Authorized	Assigned	Open	Filled			
		11	5	5	5			

Period Ending: October 04, 2018

Public Works

Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
PW Director	Craig Platt	1	1	0	1	60	4	FT
Adminstrative Secretary	Janet Sprague	1	1	0	1	52	6	FT
Adminstrative Clerk	Socorro Chavez	1	1	0	1	19	1	FT
<b>Total Public Works Administration</b>		<b>3</b>	<b>3</b>	<b>0</b>	<b>3</b>			

BUILDING/PLANNING

Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
Deputy Building Official	Jose Barragan	1	1	0	1	55	1	FT
Adminstrative Secretary	Tiffany Carter	1	1	0	1	52	6	FT
Planning Tech	Open	1	1	0	1	39		
Clerk Typist	Olivia Mendez	1	1		1	15	4	PT
Associate Planner	Open	1	0	1	0			
<b>Total Building &amp; Planning</b>		<b>5</b>	<b>4</b>	<b>1</b>	<b>4</b>			

FACILITIES & GROUNDS

Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
Facilities Maintenance Supervisor	Michael Garcia	1	1	0	1	55	6	FT
Senior Bldg. Maint.	Spencer Sample	1	1	0	1	33	6	FT
Maintenance Worker I	Francisco Ruiz	1	1	0	1	23	3	FT

Maintenance Worker II	Open	1	0	1	0	23	0	FT
General Service Worker	Aaron Robinson	1	1	0	1	14	4	FT
General Service Worker	Anthony Layton	1	1	0	1	14	1	FT
General Service Worker	Simon Rodriguez	1	1	0	1	14	4	FT
General Service Worker	Gilberto Galviz	1	1	0	1	14	3	FT
Total Facilites & Grounds		8	7	1	7			

<b>SHOP/GARAGE</b>								
Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
Garage Superintendent	Ruben Munoz	1	1	0	1	52	6	FT
Heavy Equipment Operator	Open	1	0	1	0			FT
<b>Total Shop &amp; Garage</b>		<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>			

<b>WATER DEPT.</b>								
Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
Water Operations Supervisor	Toby Layton	1	1	0	1	55	3	FT
Water Operator Lead	Art Van Dang	1	1	0	1	55	3	FT
Water Operator Lead	Amador Meza	1	1	0	1	55	6	FT
<b>Total Lead &amp; Supervisor</b>		<b>3</b>	<b>3</b>	<b>0</b>	<b>3</b>			
Distribution Operator II	Open	1	0	1	0	33		FT
Maintenance Worker II	Pete Galan	1	1	0	1	27	5	FT
<b>Total Distribution Operator II and Maintenance Worker II</b>		<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>			

**Water Dept. Maintenance Worker I**

Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
Maintenance Worker I	Cody Sides	1	1	0	1	23	1	FT
Maintenance Worker I	Timothy Geddes	1	1	0	1	23	1	FT
Maintenance Worker I	Open	1	0	1	0	23		FT

Maintenance Worker I	Luis Urbina	1	1	0	1	23	3	FT
Maintenance Worker I	Josh Fuller	1	1	0	1	23	1	FT
Maintenance Worker I	Raymond Escamilla	1	1	0	1	23	4	FT
<b>Total Maintenance Worker I</b>		<b>6</b>	<b>6</b>	<b>1</b>	<b>5</b>			

**Water Dept. General Service Worker**



Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
General Service Worker	Chris Terry	1	1	0	1	14	3	FT
General Service Worker	Francisco Guillen	1	1	0	1	14	5	FT
General Service Worker	Andrew Maxwell	1	1	0	1	14	3	FT
General Service Worker	Open	1		1	0	14		FT
General Service Worker	Marcos Rodriguez	1	1	0	1	14	5	FT
General Service Worker	David Toledo	1	1	0	1	14	3	FT
General Service Worker	Mamula, Christopher	1	1	0	1	14	3	FT
General Service Worker	Open	1	0	1	0	14		FT
General Service Worker	Open	1	0	1	0	14		FT
Total General Service Worker		9	6	3	6			
WASTE WATER TREATMENT								
Job Title	Employee Name	Authorized Positions	Assigned	Open Positons	Filled Positions	Range	Step	Status
WWTP Operator III	Greg Fielding	1	1	0	1	55	6	FT
WWTP Operator II	Richard Vasquez	1	1	0	1	33	6	FT
WWTP Operator in Training	Open	1	0	1	0			
Total Waste Water Treatment		3	2	1	2			

STREET DEPARTMENT								
Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Streets Lead	Victor Loughary	1	1	0	1	55	6	FT
Heavy Equipment Operator II	Amador B. Meza Sr	1	1	0	1	31	6	FT
Heavy Equipment Operator I	Jesus Gonzalez	1	1	0	1	27	2	FT
Maintenance Worker I	James Hansen	1	1	0	1	23	2	FT
General Service Worker	Craig LaRue	1	1	0	1	14	3	FT
General Service Worker	Open	1	0	1	0	14		FT
General Service Worker (temp) Street clean up	Open	1	0	1	0	14		Temp
General Service Worker (temp) Street clean up	Open	1	0	1	0	14		Temp
Total Street Department		8	5	3	5			
Total Public Works Summary		Authorized	Assigned	Open	Filled			
		49	38	12	37			

Period Ending: October 04, 2018

Police Department

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Police Chief	Eric Hurtado	1	1	0	1	60	5	FT	
Liutenant	Frank Huizer	1	1	0	1	76	5	FT	
Records Clerk Supervisor	Cancellled	1	0	1	0	33p		FT	
Records Clerk	Patricia Corcoran	1	0	0	1	19	6	FT	
Admin Clerk (Grant)	Open	1	1	0	0	20		FT	
Police Admin Aide	Open	1	0	1	0	15		FT	
Police Admin Tech1	Karen Sanders	1	1	0	1	28	2	FT	
Total Police Department Administration		7	4	2	4				

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Sergeant	Ben Blanton	1	0	1	0	75		FT	
Sargeant	Open	1	0	1	0	75		PT	
Sargeant	Shannon Hayes	1	1	0	1	75	5	FT	
Sargeant	Jesse Hightower	1	1	0	1	75	5	FT	
Special Investigator	John Boston	1	1	0	1	77	5	FT	
Special Investigator	Open	1	0	1	0	77	0	FT	
Sargeant & Special Investigator Total		6	3	3	3				

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
<b>Police Officer</b>	<b>Open</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>74</b>	<b>2</b>	<b>FT</b>	
Police Officer	Frank Camacho	1	1	0	1	74	1	FT	
Police Officer	Ryan Hulse	1	1	0	1	74	2	FT	
Police Officer	Michael Kelakios	1	1	0	1	74	2	FT	
Police Officer	Brian Hansen	1	1	0	1	74	2	FT	
Police Officer	Edmund Ortega	1	1	0	1	74	1	FT	
<b>Police Officer</b>	<b>Open</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>74</b>	<b>3</b>	<b>FT</b>	
Police Officer	Open	1	0	1	0	74	0	FT	
Police Officer	Open	1	0	1	0	74	0	FT	
Police Officer	Open	1	0	1	0	74	0	FT	
Police Officer	Open	1	0	1	0	74	0	FT	
Police Officers	Open	5	0	5	0	74	0	FT	
SRO	Kevin Guillen	1	1	0	1	74	1	FT	
SRO (2 PT) equals 1 FT	Open	1	0	1	0	74		PT	
<b>Police Officers and SRO Total</b>		<b>18</b>	<b>7</b>	<b>11</b>	<b>8</b>				
Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Police Officer Reserve	Edward Fuller	1	1	0	1	74	1	PT	
Police Officer Reserve	Justin Grabil	1	1	0	1	74	1	PT	
Police Officer Reserve	Michael Katz	1	1	0	1	74	1	PT	
Police Officer Reserve	Open	1		1	0	74		PT	
Police Officer Reserve	Michael Madden	1	1	0	1	74	1	PT	
<b>Police Officer Reserve Total</b>		<b>5</b>	<b>4</b>	<b>1</b>	<b>4</b>				

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Park Aide OHV	Jason Martinez	1	0	1	0	14		PT	
Park Aide OHV	Sage White	1	0	1	0	14		PT	
Park Aide OHV	Lauren Otte	1	0	1	0	14		PT	
<b>General Service Worker</b>	<b>Daniel Barragan</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>14</b>	<b>4</b>	<b>FT</b>	
Maintenance Worker II	Rene Marroquin	1	1	0	1	27	6	FT	
Maintenance Worker I	Jonthan McCartin	1	1	0	1	23	1	FT	
<b>Maintenance Worker I</b>	<b>Jordan Moser</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>23</b>	<b>1</b>	<b>FT</b>	
Maintenance Worker I	Nicholas Breen	1	1	0	1	23		FT	
<b>Maintenance Worker 1</b>	<b>Open</b>	<b>1</b>		<b>1</b>	<b>0</b>	<b>23</b>		<b>FT</b>	
<b>Total PD OHV Workers</b>		<b>9</b>	<b>5</b>	<b>4</b>	<b>5</b>				

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Animal Control Supervisor	Joellen Downs	1	1	0	1	33P	3	FT	
Animal Control Officer	Open	1	0	0	0	23P		FT	
GSW-Kennel Worker	Matthew Levesay	1	1	0	1	14	1	PT	
GSW-Kennel Worker	Marlyana Hanley	1	1	0	1	14	1	PT	

**Total Animal Control**

		<b>4</b>	<b>3</b>	<b>0</b>	<b>3</b>				
Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
<b>CSO I</b>	<b>Steve Karnazes</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>19P</b>	<b>6</b>	<b>FT</b>	
<b>CSO II</b>	<b>Ryan Schultheiss</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>28P</b>	<b>6</b>	<b>FT</b>	
Correctional Officer/Jailer	Ronald Lopez	1	1	0	1	28P	2	FT	
Correctional Officer/Jailer	Leo Rodarte	1	1	0	1	28P	1	FT	

Correctional Officer/Jailer	Jacque Craig	1	1	0	1	28P	3	FT	
TOTAL CSO		5	5	1	5				
Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Cadet	Open	1	0	1	0	10		PT	
Cadet	Open	1	0	1	0	10		PT	
Total Cadets		2	0	2	0				

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status	Closed Position
Dispatch Supervisor	Open	1	0	1	0	33P		FT	
Dispatcher I	Geri Angell	1	1	0	1	20P	6	FT	
Dispatcher I	Daniel Deges	1	1	0	1	20P	6	FT	
Dispatcher I	Talia Artalago	1	1	0	1	20P	2	FT	
Dispatcher I	Open	1	0	1	0	20P		FT	
Dispatcher I	Open	1	0	1	0	20p		FT	
Dispatcher Total		6	3	3	3				
Total Police Department		Authorized	Assigned	Open	Filled				
		62	34	27	35				

Period Ending: October 04, 2018

Fire Department

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Fire Chief	David Goodell	1	1	0	1	60	2	FT
Fire Department Admin	Dawn Ferguson	1		1		28	5	FT
Fire Marshal	Jeremy Kosick	1	1	0	1	57	3	FT
Public Safety Admin Total		3	2	1	2			

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Fire Captain	Brandon Vaccaro	1	1	0	1	83	5	FT
Fire Captian	Jack Walters	1	1	0	1	83	6	FT
Fire Captian	Andrew Roach	1	1	0	1	83	4	FT
Fire Captain Total		3	3	0	3			

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Fire Engineer	Usvaldo Guerrero	1	1	0	1	78	6	FT
Fire Engineer	Robert Marx	1	1	0	1	78	6	FT
Fire Engineer	David Orr	1	1	0	1	78	6	FT
Fire Engineer Total		3	3	0	3			



Job Title	Employee Name	Authorized Positons	Assigned	Open Positions	Filled Positons	Range	Step	Status
Firefighter/Paramedic	Jason Guzman	1	1	0	1	73	1	FT
	Michael Weaver	1	1	0	1	73	5	FT
	Juan Gabrial Pina	1	1	0	1	73	1	FT
	Eduardo Rodriguez	1	1	0	1	73	1	FT
	Open	1	1	0	1	73	2	FT
<b>Firefighter/Paramedic Total</b>		<b>5</b>	<b>5</b>	<b>0</b>	<b>5</b>			

Job Title	Employee Name	Authorized Positons	Assigned	Open Positions	Filled Positons	Range	Step	Status
Seasonal Firefighter	Open	1	0	1	0			
Seasonal Firefighter	Open	1	0	1	0	73		PT
Seasonal Firefighter	Open	1	0	1	0	73	1	PT
Seasonal Firefighter	Open	1	0	1	0	73		PT
Seasonal Firefighter	Open	1	0	1	0	73		PT
<b>Seasonal Firefighter total</b>		<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>			

Job Title	Employee Name	Authorized Positons	Assigned	Open Positions	Filled Positons	Range	Step	Status
Code Enforcement	C. R. Juarez-Jensma	1	1	0	1	34	2	
Code Enforcement	Kristy Hightower	1	1	0	1	34	6	
<b>Code Enforcement Total</b>		<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>			
<b>Total Fire Department</b>		<b>Authorized</b>	<b>Assigned</b>	<b>Open</b>	<b>Filled</b>			
		<b>21</b>	<b>15</b>	<b>6</b>	<b>15</b>			

Period Ending: October 04, 2018

Parks & Recreation

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Recreation Manager	Brenda Daverin	1	1	0	1	36	2	
Recreation Assistant	Matthew Schuman	1	1	0	1	17	5	FT
	Open	1	0	1	0	17		FT
Rec Aide/Cashier	Sage White	1	1	0	1	5	5	PT
	Gary Schotch	1	1	0	1	5	1	PT
	Nathaniel Boone	1	1	0	1	5		PT
	Perrion Grays	1	1	0	1	5	3	PT
	Anthony Ramzee	1	1	0	1	5	1	PT
	Lyle Ronkowski	1	1	0	1	5	1	PT
	Nicole Richardson	1	1	0	1	5		PT
	Raymond Heasley	1	1	0	1	5		PT
	Open	1	0	1	0	5		PT
Senior Lifeguard	Open	1	1	0	1	17	5	PT
Lifeguard	Christian Broussard	1	1	0	1	15	5	PT
Lifeguard Instructor	P. Rojo	1	1	0	1	17	2	PT
		15	13	2	13			
Parks & Recreation Total		Authorized	Assigned	Open	Filled			
		15	13	2	13			

Period Ending: October 04, 2018

Dial a Ride

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
DAR Lead	Wendy Smith	1	1	0	1	30	6	FT
DAR Dispatch/Driver	Cindy Beckwith	1	1	0	1	19	6	FT
DAR Dispatch/Driver	Barbara Andrasevits	1	1	0	1	19	3	FT
DAR Dispatch	Lisa Knight	1	1	0	1	15	1	PT
		4	4	0	4			
Dial a Ride Total		Authorized	Assigned	Open	Filled			
		4	4	0	4			

Period Ending: October 04, 2018

**Airport**

Job Title	Employee Name	Authorized Positions	Assigned	Open Positions	Filled Positions	Range	Step	Status
Airport Manager	Robert King	1	1	0	1	36	6	FT
Airport Maintenance / Ops	Marion Cato	1	1	0	1	23	6	FT
		2	2	0	2			
Airport Total		Authorized	Assigned	Open	Filled			
		2	2	0	2			

**ORDINANCE NO. 18-768**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA  
CITY, CALIFORNIA AMENDING CHAPTER 3 (FIREARMS) OF TITLE 4  
(PUBLIC SAFETY) OF THE CALIFORNIA CITY MUNICIPAL CODE  
REGULATING FIREARMS**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIFORNIA  
CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 3 (Firearms) of Title 4 (Public Safety) is hereby deleted and replaced with the following:

**Sec.4-3.01. Scope.**

This chapter regulates the use of firearms, bows and arrows.

**Sec.4-3.02. Prohibited Use and Definitions.**

(a) No person shall fire, discharge, shoot, or operate a firearm or compressed air gun except as follows:

1. a peace officer acting in his official line of duty;
2. when it may be necessary to do so to protect life or property; or
3. as expressly permitted in this Chapter 3.

(b) or purposes of this Chapter 3 the following terms shall be defined as follows:

1. Firearm shall mean a gun, revolver, pistol, firearm, or device designed or intended to discharge, or capable of discharging, a dangerous missile propelled by an explosive substance.
2. Compressed air gun shall mean a device capable for propelling pellets of other projectiles by means of compressed air.
3. Projectile weapon shall mean a long bow, cross-bow or other device to propel an arrow or other similar projectile.
4. Discharge shall mean to discharge, shoot, or operate a firearm, compressed air gun, or projectile weapon.

**Sec.4-3.03. Use by Minors.**

Unless accompanied by, and under the direct care and control of an adult person, no person shall sell, give, loan, or furnish a firearm to a person younger than eighteen (18) years.

**Sec. 4-3.04. Compressed Air Guns.**

It shall be unlawful for any minor to have in possession a compressed air gun unless accompanied by and under the direct supervision and control of a person over the age of twenty-one (21) years.

#### **Sec. 4-3.05. Shooting Ranges.**

(a) Firearms and compressed air guns may be fired, discharged, shot or operated at a shooting range established or permitted by the City.

(b) Persons desiring to obtain a permit for the operation of a shooting range shall make application to the Chief of Police for a permit. The Chief of Police may grant such application and issue such permit upon finding that:

1. The shooting range includes a permanent layout which will insure that the activities occurring at the range will not present a hazard to neighboring property owners;
2. The shooting range will be operated by a gun club or other organization capable of insuring that the shooting range will be operated in a safe manner;
3. The applicant has agreed to indemnify the City from any costs, liability or damages, including attorney's fees, which may arise out of the operation of the shooting range and agrees to provide appropriate insurance to cover such casualties;
4. The proposed range is located in a zone where such use is permitted.

(c) The Chief of Police shall report the decision with respect to applications for shooting range permits to the City Council at the next regular Council meeting following the Chief's decision. The decision of the Chief may be appealed by any interested person to the City Council by filing a written request therefor within 30 days after the date that the Chief reports his decision to the City Council. In the event of such an appeal, the City Council shall conduct a public hearing to determine whether such a permit should be granted. The hearing before the Council shall be proceeded by at least five days prior to public notice and written notice to the appellant. The decision of the City Council shall be final.

#### **Sec. 4-3.06. - Bows and Arrows.**

No person shall use a projective weapon within any residential zone or within 660 feet of a residential dwelling.

#### **Sec. 4-3.07. Bird Dog Trials**

(a) Recognized competition bird dog field trial clubs may discharge, shoot, or operate a firearm in the course of activities related to the training and field trials for bird dogs at any time during the daylight hours from the first day of October to the thirty-first day of March, both dates inclusive, upon receipt of a written permit from the City.

(b) Persons desiring to obtain a permit for the discharge of a firearm in connection with a bird dog trial shall make application to the Chief of Police in writing no less than 90 days prior to the intended date of discharge. The Chief of Police, in his or her sole and absolute discretion, may grant such application and issue a permit upon finding that:

1. The application contains the name of the recognized bird dog field trial club and the names of its officers, the date and location of the trial.

2. The bird dog field trial location is not situated in such location as would represent potential harm to the public, participants, members, and individuals associated with the event.
  3. That reasonable and sufficient safety and security measures are being implemented to safeguard the health and safety of the public, participants, members, and individuals associated with the event.
  4. All firearms to be utilized, and operators thereof, shall be in full compliance of all state and federal laws pertaining to firearms.
  5. The trial is being conducted by a bona fide club in good standing with American Kennel Club.
  6. All participants in the event are and will be in good standing with their respective bird dog field trial club.
  7. All participants, members, individuals associated with the event shall be required to release, waive, discharge and covenant not to sue the City of California City, its departments, officers, employees and agents, from any and all liability to participant, its officers, employees and agents, for all losses, injury, death or damage, and any claims or demands thereto, on account of injury to person or property, its officers, employees or agents, in reference to the activities authorized by this permit.
  8. All participants, members, and individuals associated with the event shall be required to indemnify, defend, and save harmless, the City of California City, its departments, officers, employees and agents, from any and all claims and demands, for all loss, injury, death or damage, that any person or entity may have or make, in any manner, arising out of any occurrence related to (1) issuance of this permit; (2) the activities authorized by this permit; and (3) the use or occupancy of the premises which are the subject of this permit by the
- (c) When an application is approved, a permit shall be issued after the payment of a fee for each day upon which the trials are conducted as determined by the City Master Fee Schedule. The City shall supervise all such trials and shall enforce all laws and city regulations governing them.
- (d) Bird dog field trail events shall be held only in the area generally to the east and southeast of Camp H at the intersection of Tulane and Rice Ave. or as expressly approved in writing by the Chief of Police.

**SECTION 2:** If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision of legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of California City hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase or word not declared unconstitutional without regard to any such decision or preemptive legislation.

**SECTION 3:** Any provision of the California City Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies

and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

**SECTION 4:** The Mayor shall sign, and the City Clerk shall sign, and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

This ordinance was introduced on September 25, 2018 and adopted this 9th day of October, 2018, by the following vote:

AYES:

NOES:

ABSENT:

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Jennifer Wood, Mayor

ATTEST:

APPROVED AS TO FORM:

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Denise Hilliker, City Clerk

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Christian Bettenhausen, City Attorney



## **CITY COUNCIL**

October 9, 2018

**TO:** City Council

**FROM:** Mayor Wood

**SUBJECT:** Memorandum of agreement between the Kern Council of Governments acting as the Kern Motorist Aid Authority and the Kern County City of California City

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### **BACKGROUND**

The Kern Council of Government adopted the FY 2018-219 Overall Work Program and Financial Plan. Within this plan is the opportunity for each municipality within Kern County to use a Portable Changeable Message Sign. This sign would be used to alert motorist of roadway construction, hazards and obstructions on state highways in our city.

The city will be responsible for obtaining the necessary licenses for the sign from the Department of Motor Vehicles. The city is also responsible for obtaining insurance to cover damages that may be incurred when the sign is in use, being transported or in its designated storage area. The city will be the lead agency for the maintenance of the sign for a period of five years from the approval date.

Upon request the California Department of Transportation (CALTRANS), the city will make the sign available for use on state highways.

### **Recommendation**

The Council approve the acquisition of the portable changeable message sign for use within the City of California City.

### **Fiscal Impact**

The Kern Council of Governments shall provide the funding within the FY 2018-19 Overall Work Program and Financial Plan.

The City shall process the required Department of Motor Vehicle documents and add this equipment to the City's equipment inventory to be covered by our insurance providers.

**MEMORANDUM OF AGREEMENT BETWEEN THE  
KERN COUNCIL OF GOVERNMENTS ACTING AS THE  
KERN MOTORIST AID AUTHORITY AND  
THE KERN COUNTY CITY OF CALIFORNIA CITY**

THIS MEMORANDUM OF AGREEMENT ("**Agreement**"), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, ("**Execution Date**") is by and between the CITY of California CITY ("**CITY**") and Kern Council of Governments acting as the Kern Motorist Aid Authority, a joint powers entity ("**KERN COG**"). CITY of California CITY and KERN COG are referred to individually as a "Party" and collectively as the "Parties."

**RECITALS:**

- A. KERN COG adopted the FY 2018-19 Overall Work Program and Financial Plan; and
- B. KERN COG acting as the Kern Motorist Aid Authority adopted a Financial Plan for operation and maintenance of a motorist aid system; and
- C. California Streets and Highways Code Section 2557(d) states that monies that exceed the amount needed for full implementation and ongoing costs to maintain and operate the motorist aid system, may be used for purposes of safety-related motorist aid projects; and
- D. Use of Portable Changeable Message Signs to alert motorists of roadway construction, hazards and obstructions may reduce accidents; and
- E. KERN COG acting as the Kern Motorist Aid Authority desires to provide funding for Portable Changeable Message signs for use on state highways by each of its member agencies; and
- F. CITY wishes to accept and use the Portable Changeable Message Sign on state highways traversing its community.

**AGREEMENT:**

- 1. CITY shall be the registered owner of the Portable Changeable Message Sign ("Sign") and shall be responsible for obtaining the necessary licenses for the Sign from the Department of motor Vehicles.
- 2. CITY shall be responsible for obtaining insurance to cover damages that may be incurred when the Sign is deployed, being transported or in designated storage.
- 3. CITY shall be the lead agency for the operation of the Sign to alert motorists of roadway construction, hazards and obstructions on state highways in the CITY of California City.
- 4. CITY shall be the lead agency for the maintenance of the Sign for a period of five (5) years from the Execution Date of this agreement.
- 5. KERN COG shall provide funding for the purchase of the Portable Changeable Message Sign for the CITY.

6. Upon request by the California Department of Transportation ("Caltrans"), CITY agrees to make available to Caltrans the Sign on for use on state highways.
7. This Agreement shall be deemed effective on the Execution Date, and shall remain in full force and effect during the useful life of the Sign.
8. This Agreement may be modified or amended only by a written document executed by the CITY and KERN COG.
9. CITY shall indemnify, defend (upon written request of KERN COG) and save harmless KERN COG, its officers, agents and employees from any and all losses, damages, liability, claims or causes of action of every nature whatsoever for physical damage to or destruction of property, including the property of KERN COG, or physical injury to or death of any person or persons, including KERN COG's officers, agents and employees, which may arise out of any act or omission of the CITY, its officers, agents, independent contractors or employees during the performance of this Agreement.
10. No waiver of a breach of any provision of this Agreement shall constitute a waiver of any other breach, or of such provision. Failure of either Party to enforce at any time, or from time-to-time, any provision of this Agreement shall not be construed as a waiver thereof. The remedies herein reserved shall be cumulative and in addition to any other remedies in law or equity.
11. Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the agreement which the Parties intended to enter into in the first instance.
12. This Agreement contains the entire agreement of the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent modification in writing, signed by the party to be charged.
13. The terms of this Agreement shall be construed and interpreted under, and all respective rights and duties shall be governed by, the laws of the State of California.
14. Any notice or notices required or permitted to be given pursuant to this Agreement may be personally served on the other Party by the Party giving such notice or may be served by certified mail, return receipt requested, to the following addresses:

TO KERN COG:        Ahron Hakimi, Executive Director  
                         Kern Council of Governments  
                         1401 19th Street, Suite 300  
                         Bakersfield, California 93301

TO CITY:             City of California City  
                         21000 Hacienda Blvd.  
                         California City, CA 93505

15. The individual executing this Agreement on behalf of each Party warrants that he/she is authorized to execute the Agreement on behalf of their agency and that the agency will be bound by the terms and conditions contained herein.
16. CITY acknowledges that CITY, and all subcontractors hired by CITY to perform services under this Agreement, are aware of and understand the Immigration Reform and Control Act ("IRCA"). COUNTY is and shall remain in compliance with the IRCA and shall ensure that any subcontractors hired by CITY to perform services under this Agreement are in compliance with the IRCA. In addition, CITY agrees to indemnify, defend and hold harmless KERN COG, its agents, officers and employees, from any liability, damages or causes of action arising out of or relating to any claims that CITY's employees, or the employees of any subcontractor hired by CITY, are not authorized to work in the United States for CITY or its subcontractor and/or any other claims based upon alleged IRCA violations committed by CITY or CITY's subcontractor(s).
17. CITY shall observe and comply with all applicable state, federal, and local laws, ordinances, rules and regulations now in effect or hereafter enacted, each of which are hereby made a part hereof and incorporated herein by reference.

IN WITNESS WHEREOF, the Parties have caused this MEMORANDUM OF AGREEMENT to be executed by their respective officers and agents thereunto duly authorized as of the Execution Date.

KERN COUNCIL OF GOVERNMENTS

CITY OF CALIFORNIA CITY

\_\_\_\_\_  
Cheryl Wegman, Chairman  
"KERN COG"

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Ahron Hakimi, Executive Director  
Kern Council of Governments

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Van Wyk  
Deputy County Counsel  
"KERN COG"

## **CITY COUNCIL**

October 9, 2018

**TO:** Mayor and Council

**FROM:** Denise Hilliker, City Clerk

**SUBJECT:** Conflict of Interest Code Review

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### **BACKGROUND:**

State law mandates that each local agency adopt a conflict of interest code ("Code"), and that the Code be updated by July 1 every even numbered year.

Every local agency in California is required to have a Conflict of Interest Code that enumerates the positions within the agency "which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each enumerated position, the specific types of investments, business positions, interest in real property, and sources of income which are reportable." Codes should also determine the extent to which any "consultant" has any such responsibilities.

The City adopted its last Code via, Resolution No. 09-16-2672, Exhibit A, on September 27, 2016. After review, staff has determined that there are no updates required at this time.

### **RECOMMENDATION:**

It is recommended that the City Council, find that there are no changed circumstances that require the conflict of interest code to be updated or amended since its last adoption on September 27, 2016, and as such the 2016 conflict of interest code (adopted via Resolution 09-16-2672) should remain in effect, unamended.

**FISCAL IMPACT:** None

# Exhibit A

**ORIGINAL**

RESOLUTION NO. 09-16-2672

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA ADOPTING A CONFLICT OF INTEREST CODE APPLICABLE TO DESIGNATED POSITIONS, INCLUDING MEMBERS AND STAFF OF THE OVERSIGHT BOARD OF THE CALIFORNIA CITY SUCCESSOR AGENCY, SUCCESSOR AGENCY TO THE FORMER CALIFORNIA CITY REDEVELOPMENT AGENCY, AND SUCCESSOR AGENCY TO THE CALIFORNIA CITY HOUSING AUTHORITY**

**WHEREAS**, the California Fair Political Practices Commission has adopted Section 18730 of Title 2 of the California Code of Regulations which contains the terms of a Standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings; and

**WHEREAS**, Government Code Section 87306.5 requires every local agency to review its Conflict of Interest Code in all even-numbered years.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. In compliance with Government Code Section 87300, the City Council hereby adopts the FPPC's Model Conflict of Interest Code authorized by 2 CCR § 18730 and the attached Exhibit "A" Designated Employees, and Exhibit "B" Appendix of Disclosure Categories.

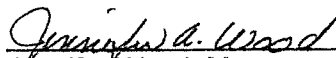
SECTION 2. The City Clerk shall certify to the passage and adoption of this Resolution and it shall take effect and be in force.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of September, 2016, by the following vote:

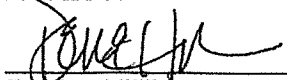
AYES: Gomez, Smith, Warren, McGuire, Wood

NOES: None

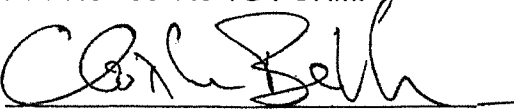
ABSENT: None

  
Jennifer Wood, Mayor

ATTEST:

  
Denise Hilliker, City Clerk

APPROVED AS TO FORM:

  
Christian L. Bettenhausen, City Attorney

## EXHIBIT "A"

### Designated Employees

The following is a listing of positions for which the employee is required to submit Statements of Economic Interest (Form 700) pursuant to the Political Reform Act of 1974.<sup>1</sup>

To the extent that certain positions are required to perform actions on behalf of the City and also another agency or authority (such as the Successor Agency), the following disclosure requirements shall also apply to duties performed on behalf of any such agency/agencies.

<u>DEPARTMENTS / POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
<u>City Attorney</u>	
City Attorney	1
Assistant City Attorney	1
<u>City Council / Boards of Directors</u>	
Members of City Council <sup>2</sup>	1
<u>City Clerk</u>	
City Clerk	1
<u>City Manager</u>	
City Manager	1
Human Resources	2
<u>Finance Department</u>	
Director of Finance/Treasurer	1
Certified Public Accountant	4
<u>Fire Department</u>	
Fire Chief or Designee to California City	1
Senior Code Enforcement Officer	2
<u>Planning Commission Members</u>	1
<u>Planning &amp; Building Department</u>	
Planning Department Director	1
Associate Planner	1
Building Official	1

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<sup>1</sup> Government Code § 87200 already requires the following individuals (among others) to disclose their economic interests: mayors, city council members, planning commissioners, city managers, city attorneys, city treasurers, other public officials who manage public investments, and candidates for any of these offices at any election. For ease of reference, this Conflict of Interest Code includes such individuals, even though they already have statutory disclosure obligations. This code is not intended to increase or decrease their existing statutory obligations to disclose.

<sup>2</sup> Members of the City Council currently serve as *ex officio* members of the following Boards: (1) California City Public Financing Authority (2) California City Successor Agency Housing Authority; (3) Successor Agency to the Former California City Redevelopment Agency. Certain members of the City Council are also members of the Oversight Board of the California City Successor Agency. All City Councilmembers already are required to disclose all financial interests that they have which may be affected by their membership on the City Council, and therefore, they are already required to disclose all interests which may also affect the actions they take as members of these boards.

Public Works Department  
Public Works Director

1

Police Department

Police Chief or Designee to California City

1

City Engineer

City Engineer

1

Consultants\*

1

\* Consultants (and certain people filling new positions – see below) shall be included in the list of designated employees and shall disclose, pursuant to the broadest disclosure category in the Code, subject to the following limitations:

The City Manager or Agency's Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager/Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Commission Regulation Section 18700.3 defines "consultant" as an individual who, pursuant to a contract with a state or local governmental agency:

- (1) Makes a governmental decision whether to:
  - a. Approve a rate, rule or regulation;
  - b. Adopt or enforce a law;
  - c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
  - d. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - e. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  - f. Grant agency approval to a plan, design, report, study or similar item;
  - g. Adopt, or grant agency approval of, policies, standards or guidelines for the agency or for any subdivision thereof; or
- (2) Serves in a staff capacity with the agency and that capacity participates in making a governmental decision as defined in Regulation 18704(a) and (b) or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Section 87302.

#### Newly Created Positions

To the extent required by Commission Regulation 18219, as it may be amended from time to time, "an employee in a newly created position that makes or participates in the making of decision and whose specific position is not yet listed in the conflict of interest code" is also required to disclose pursuant to the broadest disclosure category, subject to the same limitation, above, via which the City manager may determine, in writing, that the employee is not required to fully comply with the disclosure requirements, etc.



## EXHIBIT "B"

### DISCLOSURE CATEGORIES

#### CATEGORY

- 1 Full Disclosure – All interests in real property as well as investments, business positions and sources of income, including gifts, loans and travel payments.
- 2 Full Disclosure – (excluding interests in real property) – Investments and business positions and sources of income, including gifts, loans and travel payments.
- 3 Interest in Real property – Interests in real property located in the city, including property located within a two mile radius of any property owned or used by the City.
- 4 General Contracting – Investments, business positions and of income, including gifts, loans and travel payments from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City.



OCTOBER 9, 2018  
CALIFORNIA CITY  
CITY COUNCIL MEETING



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## CITY COUNCIL

OCTOBER 09, 2018

**TO:** Honorable Mayor and Council

**FROM:** Craig C Platt, Public Works Director

**SUBJECT:** Applicant: Parzych Family Trust represented by **Patricia Resnik** 1214 Daly Road, Ojai, California CA 93023.

**Public Hearing** to consider recommending approval of an Initial Study, Negative Declaration, and General Plan Amendment 18-04, (**GPA 18-04**) and the Adoption of Zone Change 18-04, (**ZC 18-04**) for a 10 Acre parcel located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505. The project certifies a Negative Declaration per CEQA in order to Rezone and Amend the General Plan from O/RA Open Space/Residential/Agricultural O/RA to M1 Light Industrial and Research Zone to accommodate industries like solar companies, storage facilities and or cannabis industries.

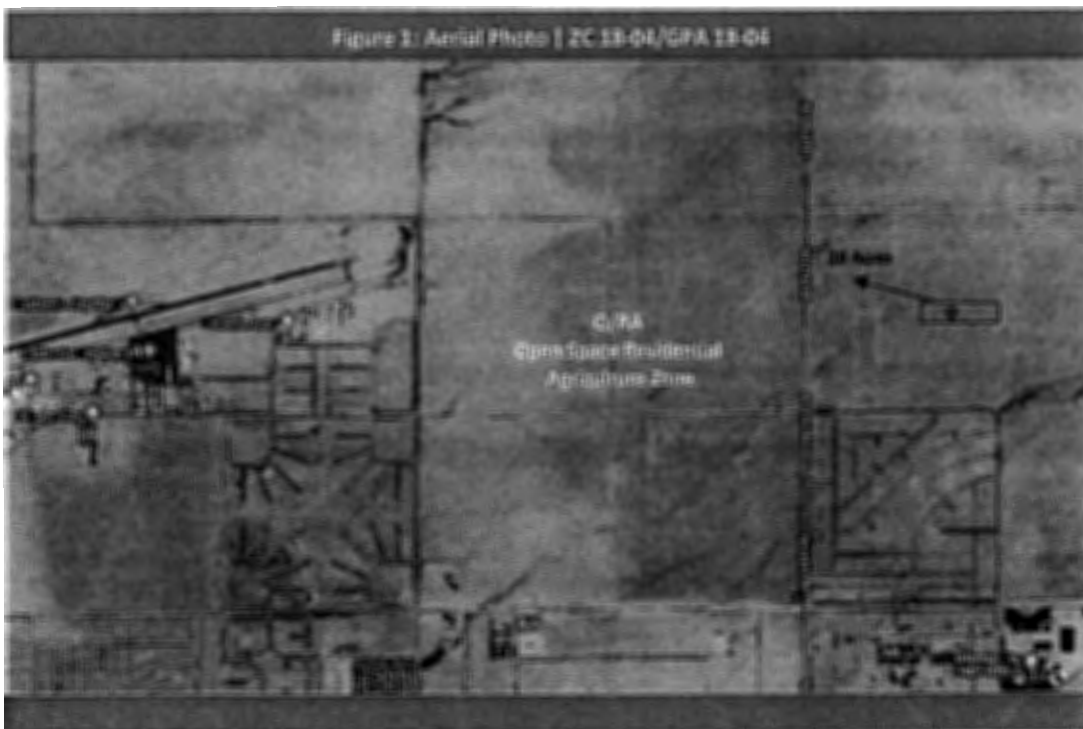
The *City of California City Planning Commission* at their regular meeting on **September 18, 2018** approved the case with a favorable recommendation for the Council's review and subsequent adoption.

---

### COUNCIL ACTION:

Staff recommends that the City Council approve and adopt of the following:

- 1) **RESOLUTION 10-18-2758 approving the Negative Declaration (Attachment 1)**
- 2) **RESOLUTION 10-18-2759 amending the General Plan Designation (Attachment 2)**
- 3) **ORDINANCE NO. 18-769 approving Zone Change 18-04 (Attachment 3)**



Parzych Family Trust represented by **Patricia Resnik** 1214 Daly Road, Ojai, California CA 93023.

The 10 Acre parcel located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128).

The map displays a grid of land parcels. A central parcel is highlighted in yellow and labeled "Subject Property 10 Ac". This parcel is situated within a larger area labeled "Total: 0.25 mi" and "Total: 0.18 mi". The map shows various lot numbers, including 300-271-01 through 300-271-15, 300-271-16 through 300-271-20, 300-271-21 through 300-271-25, 300-271-26 through 300-271-30, 300-271-31 through 300-271-35, 300-271-36 through 300-271-40, 300-271-41 through 300-271-45, 300-271-46 through 300-271-50, 300-271-51 through 300-271-55, 300-271-56 through 300-271-60, 300-271-61 through 300-271-65, 300-271-66 through 300-271-70, 300-271-71 through 300-271-75, 300-271-76 through 300-271-80, 300-271-81 through 300-271-85, 300-271-86 through 300-271-90, 300-271-91 through 300-271-95, 300-271-96 through 300-271-100, 300-271-101 through 300-271-105, 300-271-106 through 300-271-110, 300-271-111 through 300-271-115, 300-271-116 through 300-271-120, 300-271-121 through 300-271-125, 300-271-126 through 300-271-130, 300-271-131 through 300-271-135, 300-271-136 through 300-271-140, 300-271-141 through 300-271-145, 300-271-146 through 300-271-150, 300-271-151 through 300-271-155, 300-271-156 through 300-271-160, 300-271-161 through 300-271-165, 300-271-166 through 300-271-170, 300-271-171 through 300-271-175, 300-271-176 through 300-271-180, 300-271-181 through 300-271-185, 300-271-186 through 300-271-190, 300-271-191 through 300-271-195, 300-271-196 through 300-271-200, 300-271-201 through 300-271-205, 300-271-206 through 300-271-210, 300-271-211 through 300-271-215, 300-271-216 through 300-271-220, 300-271-221 through 300-271-225, 300-271-226 through 300-271-230, 300-271-231 through 300-271-235, 300-271-236 through 300-271-240, 300-271-241 through 300-271-245, 300-271-246 through 300-271-250, 300-271-251 through 300-271-255, 300-271-256 through 300-271-260, 300-271-261 through 300-271-265, 300-271-266 through 300-271-270, 300-271-271 through 300-271-275, 300-271-276 through 300-271-280, 300-271-281 through 300-271-285, 300-271-286 through 300-271-290, 300-271-291 through 300-271-295, 300-271-296 through 300-271-300, 300-271-301 through 300-271-305, 300-271-306 through 300-271-310, 300-271-311 through 300-271-315, 300-271-316 through 300-271-320, 300-271-321 through 300-271-325, 300-271-326 through 300-271-330, 300-271-331 through 300-271-335, 300-271-336 through 300-271-340, 300-271-341 through 300-271-345, 300-271-346 through 300-271-350, 300-271-351 through 300-271-355, 300-271-356 through 300-271-360, 300-271-361 through 300-271-365, 300-271-366 through 300-271-370, 300-271-371 through 300-271-375, 300-271-376 through 300-271-380, 300-271-381 through 300-271-385, 300-271-386 through 300-271-390, 300-271-391 through 300-271-395, 300-271-396 through 300-271-400, 300-271-401 through 300-271-405, 300-271-406 through 300-271-410, 300-271-411 through 300-271-415, 300-271-416 through 300-271-420, 300-271-421 through 300-271-425, 300-271-426 through 300-271-430, 300-271-431 through 300-271-435, 300-271-436 through 300-271-440, 300-271-441 through 300-271-445, 300-271-446 through 300-271-450, 300-271-451 through 300-271-455, 300-271-456 through 300-271-460, 300-271-461 through 300-271-465, 300-271-466 through 300-271-470, 300-271-471 through 300-271-475, 300-271-476 through 300-271-480, 300-271-481 through 300-271-485, 300-271-486 through 300-271-490, 300-271-491 through 300-271-495, 300-271-496 through 300-271-500, 300-271-501 through 300-271-505, 300-271-506 through 300-271-510, 300-271-511 through 300-271-515, 300-271-516 through 300-271-520, 300-271-521 through 300-271-525, 300-271-526 through 300-271-530, 300-271-531 through 300-271-535, 300-271-536 through 300-271-540, 300-271-541 through 300-271-545, 300-271-546 through 300-271-550, 300-271-551 through 300-271-555, 300-271-556 through 300-271-560, 300-271-561 through 300-271-565, 300-271-566 through 300-271-570, 300-271-571 through 300-271-575, 300-271-576 through 300-271-580, 300-271-581 through 300-271-585, 300-271-586 through 300-271-590, 300-271-591 through 300-271-595, 300-271-596 through 300-271-600, 300-271-601 through 300-271-605, 300-271-606 through 300-271-610, 300-271-611 through 300-271-615, 300-271-616 through 300-271-620, 300-271-621 through 300-271-625, 300-271-626 through 300-271-630, 300-271-631 through 300-271-635, 300-271-636 through 300-271-640, 300-271-641 through 300-271-645, 300-271-646 through 300-271-650, 300-271-651 through 300-271-655, 300-271-656 through 300-271-660, 300-271-661 through 300-271-665, 300-271-666 through 300-271-670, 300-271-671 through 300-271-675, 300-271-676 through 300-271-680, 300-271-681 through 300-271-685, 300-271-686 through 300-271-690, 300-271-691 through 300-271-695, 300-271-696 through 300-271-700, 300-271-701 through 300-271-705, 300-271-706 through 300-271-710, 300-271-711 through 300-271-715, 300-271-716 through 300-271-720, 300-271-721 through 300-271-725, 300-271-726 through 300-271-730, 300-271-731 through 300-271-735, 300-271-736 through 300-271-740, 300-271-741 through 300-271-745, 300-271-746 through 300-271-750, 300-271-751 through 300-271-755, 300-271-756 through 300-271-760, 300-271-761 through 300-271-765, 300-271-766 through 300-271-770, 300-271-771 through 300-271-775, 300-271-776 through 300-271-780, 300-271-781 through 300-2

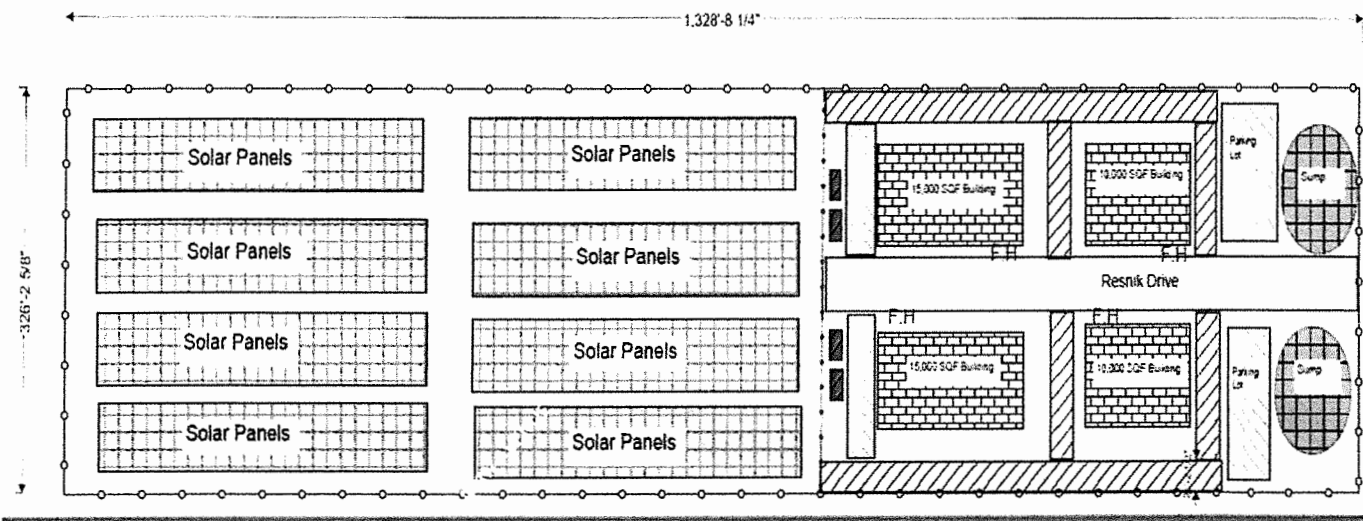
[illegible]

## **BACKGROUND:**

Parzych family trust owns a vacant 10 acre parcel located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505. The project certifies a Negative Declaration per CEQA in order to Rezone and Amend the General Plan from O/RA Open Space/Residential/Agricultural O/RA to M1 Light Industrial and Research Zone to accommodate industries like solar companies, storage facilities and or cannabis industries. Conceptual Site Plan is shown in Figure 4 below.

The *City of California City Planning Commission* at their regular meeting on **September 18, 2018** approved the case with a favorable recommendation for the Council's review and subsequent adoption.

Figure 4 – Conceptual Site Plan for ZC 18-04



The staff is recommending that the Land Use Element of the General Plan for the project site be amended from O/RA Open Space, Residential or Agriculture to M1 – Light Industrial and Research to accommodate the applicant's zone change request. The O/RA Zone District is limited with regard to the extent of urbanization that may occur. The purpose of the Open Space, ("O") Zone District is to provide for the preservation and conservation of unique natural resource lands, protection and preservation of unique wildlife resources and habitats, protection against flooding by storm water in flood prone areas and the establishment of active and passive recreational uses. The Residential/Agricultural ("RA") District provides living area which combines the advantages of urban and rural location by limiting development to very low density one-family dwellings and permitting animals and fowl to be kept for pleasure or hobbies.

The M-1, (light industrial), district is intended for urban areas appropriate for uses permitted in commercial districts, light manufacturing, assembly, maintenance, or repair. The subject parcel abuts M1 zoned property on the Northwest corner thereby establishing zoning consistency. California State Law also requires that the Zoning Districts be consistent with the General Plan land use designations. There is a matrix within the General Plan indicating that O/RA district is conditionally compatible with M1- Light Industrial. When the proponent establishes a specific industry for the property, the use is conditionally compatible and subject to conditions issued by various departments in the City especially because the parcel is land locked at the moment. Therefore amending the General Plan is most appropriate because the City utilizes one map for both the Zoning Ordinance and General Plan. It would be preferred that the General Plan land use designation be amended to M1- Light Industrial District because subject parcel adheres to consistency with General Plan land use designations.

## **NOTICING:**

Notice of public hearing before the City Council of the City of California City for this project was advertised in the Mojave Desert News on September 28, 2018, specifically a Notice of Intent to adopt this a Negative Declaration, Zone Change and General Plan Amendment was published. Further all property owners within 300 feet of the project site were

notified about the hearing and the proposed zone change at least 10 days prior to the public hearing in accordance with State law.

**ENVIRONMENTAL REVIEW AND DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Negative Declaration for Zone Change 18-04 and General Plan amendment 18-04 were submitted to the State Clearinghouse for a 30-day review period starting July 30, 2018 and culminating on August 28, 2018. The City received comments during the review period from the California Department of Fish and Wildlife ("CDFW"). The Negative Declaration document containing all the above discussed documents is attached as **EXHIBIT A**.

The Initial Study was crafted to only obtain zone change approval at this time and therefore lacks details required to recommend any mitigation measures as advised by CDFW. The staff has determined that the applicant will re-submit a detailed initial study document during project construction phase and produce any studies required at the time. Synonymous with the staff's recommendation CDFW requests that the applicant conduct a detailed initial study prior to construction when the proponent has a better understanding of the types of uses for the project site.

**RECOMMENDATION:** That the City Council approve and adopt the following:

- 1) RESOLUTION 10-18-2758 approving the Negative Declaration (Attachment 1)
- 2) RESOLUTION 10-18-2759 amending the General Plan Designation (Attachment 2)
- 3) ORDINANCE 18-769 approving Zone Change 18-04 (Attachment 3)

**ATTACHMENTS:**

***EXHIBIT A***

***Planning Commission Resolution No. 09-18-2018 ZC 18-04***

***"Negative Declaration Document with comments from agencies"***



**RESOLUTION NO. 10-18-2758**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING  
A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR A 10 ACRE PARCEL  
LOCATED 0.2 MILES EAST OF NEURALIA ROAD AND 0.18 MILES NORTH OF LINDBERGH  
BOULEVARD IN SECTION 27, TOWNSHIP 32, RANGE 38, APN: 229-010-13 FROM OPEN  
SPACE/RESIDENTIAL/AGRICULTURE (O/RA) TO LIGHT INDUSTRIAL ZONE (M1)  
(Parzych Family Trust /Zone Change No. 18-04)**

The City Council of the City of California City does resolve as follows:

WHEREAS, the City of California City's Environmental Coordinator prepared an Initial Study on the project (GP Amendment 18-04 and Zone Change 18-04) (the "Project") which identified potentially significant effects of the Project; and

WHEREAS, revisions to and/or conditions placed on the Project, were made or agreed to by the applicant before the negative declaration was released for public review, were determined by the environmental coordinator to avoid or reduce the potentially significant effects to a level that is clearly less than significant and that there was, therefore, no substantial evidence that the Project, as revised and conditioned, would have a significant effect on the environment; and

WHEREAS, a negative declaration of environmental impacts was then prepared, properly noticed, and circulated for public review.

WHEREAS, the Planning Commission of the City of California City has recommended that the City Council approve the negative declaration of environmental impacts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of California City as follows:

Section 1. Based on the Initial Study, the revisions and conditions incorporated into the Project, and information received during the public review process, the City Council of the City of California City finds that there is no substantial evidence that the Project, as revised and conditioned, may have a significant effect on the environment.

Section 2. The negative declaration reflects the independent judgment of the City Council.

Section 3. All feasible mitigation measures identified in the City of California City General Plan Environmental Impact Reports which are applicable to this Project have been adopted and undertaken by the City of California City and all other public agencies with authority to mitigate the project impacts or will be undertaken as required by this project.

Section 4. A negative declaration of environmental impacts, attached hereto as Exhibit A and incorporated by this reference, is hereby approved for the Project.

Section 5. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the office of the California City Public Works Department, Planning Division, 21000 Hacienda Boulevard, California City, California 93505. The custodian of these documents and other materials is the California City Public Works Director.

Section 6. Upon approval of the Project by the City Council, the environmental coordinator shall file a Notice of Determination with the County Clerk of Kern County and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of section 21152 (a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

**PASSED AND ADOPTED** this 9th day of October 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Jennifer Wood, Mayor

**ATTEST:**

---

Denise Hilliker, City Clerk

**RESOLUTION NO. 10-18-2759**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING  
THE GENERAL PLAN DESIGNATION OF A 10 ACRE PARCEL LOCATED 0.2 MILES EAST OF  
NEURALIA ROAD AND 0.18 MILES NORTH OF LINDBERGH BOULEVARD IN SECTION  
27, TOWNSHIP 32, RANGE 38, APN: 229-010-13 FROM OPEN  
SPACE/RESIDENTIAL/AGRICULTURE (O/RA) TO LIGHT INDUSTRIAL ZONE (M1)  
(Parzych Family Trust /Zone Change No. 18-04)**

The City Council of the City of California City does resolve as follows:

Section 1. A Negative Declaration of Environmental Impacts prepared for this project has been approved via City Council Resolution No.10-18-2758.

Section 2. The City Council of the City of California City finds and determines that:

The City Council has considered a General Plan Amendment (GP 18-04) to change the land use designation of approximately 10 acre parcel located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505. The project certifies a Negative Declaration per CEQA in order to Rezone and Amend the General Plan from O/RA Open Space/Residential/Agricultural O/RA to M1 Light Industrial and Research Zone to accommodate industries like solar companies, storage facilities and or cannabis industries.

A. The City Council has considered the effect of the approval of this General Plan Amendment on the housing needs of the region and balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

B. The proposed General Plan Amendment is consistent with the goals and policies of the adopted general plan, including the housing element.

C. The area is physically suited for the land uses allowed by the proposed amendment in terms of topography and availability of services.

D. The circulation and land uses allowed by the proposed amendment are compatible with land uses existing and permitted on properties in the vicinity, providing the properties are developed in accordance with the policies and requirements of the California City General Plan and applicable zoning and subdivision ordinances.

E. The circulation and land uses allowed by the proposed amendment, and their intensity, are not likely to create serious health problems or nuisances on properties in the vicinity.

F. The land uses and circulation allowed by the proposed amendment are consistent with and implement the goals and policies of the California City General Plan, including the Housing Element.

Section 3. The City Council approves the General Plan Amendment (GP 18-04), as shown in **MAP 1**, attached hereto and by this reference incorporated herein.

PASSED AND ADOPTED this 9<sup>th</sup> day of October 2018, 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

ATTEST:

---

Jennifer Wood, Mayor

---

Denise Hilliker, City Clerk

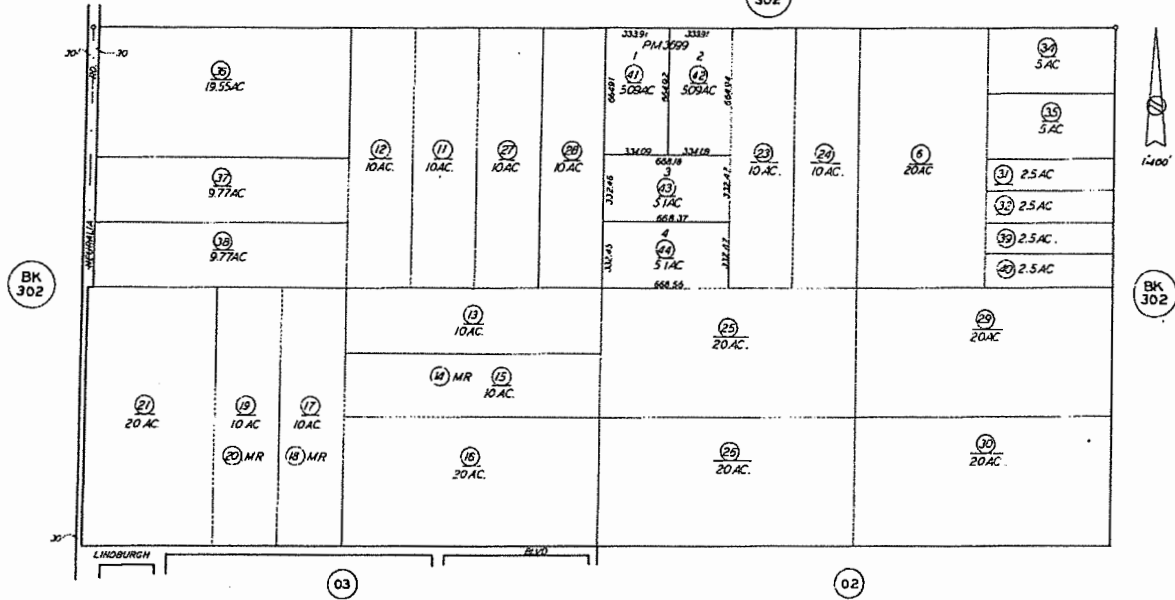
# MAP 1

229-01

N1/2 OF SEC. 14 T. 32 S. R. 37 E.

SCHOOL DIST. 11-1

229-01



Note: This map is for assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

ASSESSORS MAP NO. 229-01  
COUNTY OF KERN

**ORDINANCE NO. 18-769**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY  
REZONING A 10 ACRE PARCEL LOCATED 0.2 MILES EAST OF NEURALIA ROAD AND  
0.18 MILES NORTH OF LINDBERGH BOULEVARD IN SECTION 27, TOWNSHIP 32, RANGE  
38, APN: 229-010-13 FROM OPEN SPACE/RESIDENTIAL/AGRICULTURE (O/RA) TO LIGHT  
INDUSTRIAL ZONE (M1)**

**(Parzych Family Trust /Zone Change No. 18-04)**

**THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DOES ORDAIN AS FOLLOWS:**

- 1. Findings.** The council finds, determines and declares:
  - a. A duly-noticed public hearing has been conducted by the Planning Commission and by the City Council to consider the zone change set forth herein.
  - b. This zone change will not result in any significant adverse environmental impacts at this time, however construction phase will require a detailed initial study and subsequent studies as required.
  - c. This zone change will promote the welfare of the community.
  - d. The proposed General Development Plan and Rezone are consistent with and implement the policies of the City of California City's General Plan, including the Housing Element.
  - e. The land uses, and their density and intensity, allowed in the proposed General Development Plan and Rezone are not likely to create serious health problems or create nuisances on properties in the vicinity.
  - f. The City Council has considered the effect of the proposed General Development Plan and Rezone on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.
  - g. The area is physically suited to the uses authorized in the proposed general development plan and zoning.
  - h. The proposed General Development Plan and Rezone are compatible with the land uses existing and permitted on the properties in the vicinity.
  - i. The Planning Commission approved the proposal by Resolution No. **PC 09-18-2018 ZC 18-04**
  - j. The City Council properly noticed a public hearing for the October 9, 2018 regular City Council meeting.
- 2. Property Description.** The property affected by this ordinance (herein "subject property") is 10 acres located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505 Latitude 35.1509, Longitude -117.9791. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128).
- 3. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.
- 4. Zoning Amendment.** This Zone Change No. 18-04 hereby rezones the subject property from (O/RA) – Open-Space, Residential or Agriculture to Light Industrial and Research (M1), and the City's zoning map will be revised accordingly.

5. **Negative Declaration.** A Negative Declaration of Environmental Impacts prepared for this project has been approved via City Council Resolution No.10-18-2758. The Council finds that there is no reasonable basis to conclude that the future potential development of the subject property will cause a significant environmental effect that would not be mitigated to a less than significant impact.
6. **Severability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.
7. **Publication.** Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the newspaper of official record for the City. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the newspaper of official record for the City, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(l) are met.

This ordinance was introduced at the City Council meeting of October 9, 2018, and adopted at the City Council meeting of October 23, 2018 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

---

Jennifer Wood, Mayor

ATTEST:

---

Denise Hilliker, City Clerk

[SEAL]

APPROVED AS TO FORM:

---

Christian Bettenhausen, City Attorney

**EXHIBIT A**

**Planning Commission Resolution No. PC 09-18-2018 ZC 18-04**

**Negative Declaration Document**

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**PLANNING COMMISSION RESOLUTION NO. PC 09-18-2018 ZC 18-04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY TAKE THE FOLLOWING ACTIONS: (1) ADOPT INITIAL STUDY & NEGATIVE DECLARATION; (2) ADOPT GENERAL PLAN AMENDMENT GP- 18-04 TO CHANGE THE GENERAL PLAN DESIGNATION FOR 10 ACRE PARCEL LOCATED 0.2 MILES EAST OF NEURALIA ROAD AND 0.18 MILES NORTH OF LINDBERGH BOULEVARD IN SECTION 27, TOWNSHIP 32, RANGE 38, APN: 229-010-13; (3) ADOPT ZONE CHANGE NO. 18-04

**THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY HEREBY RESOLVES AS FOLLOWS:**

WHEREAS, the City Council of the City of CALIFORNIA CITY adopted the 2015-2035 General Plan on June 21, 2016;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of CALIFORNIA CITY;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, an application was filed by **Parzych Family Trust**, Attil Farms is requesting approval of the following:

1. **Initial Study/Mitigated Negative Declaration (IS/ND).** Certification of the Initial Study - Negative Declaration (IS-ND) for the project.
2. **General Plan Amendment GP-18-04.** Change the land use designation from O/RA – Open space/Residential or Agriculture District to M1 – Light Industrial & Research to allow for an Industrial facility supporting businesses such as solar fields, storage yards and or cannabis operations.
3. **Rezone ZC 18-04.** A rezone to change the zoning classification from O/RA – Open space/Residential or Agriculture District to M1 – Light Industrial.

**SECTION 1. FACTS:**

**The Planning Commission finds, determines and declares:**

1. A duly-noticed public hearing has been conducted to consider the matter;
2. Resolution No PC 09-18-2018 ZC 18-04 will be forwarded to the City Council for their consideration;
3. This amendment will not result in any significant adverse environmental impacts;
4. This amendment will promote the welfare of the community;
5. This amendment is consistent with the general plan and the City's zoning ordinance.
6. A change in district boundaries shall not be made conditionally. The Planning Commission shall make its decision and adopt findings within forty-five (45) days following the completion of the public hearing. The Commission shall transmit its decision to the City Council.

**SECTION 2. FINDINGS:**

- A. Finding:** The cumulative effect of all the planning applications have been considered.

**ORIGINAL**

**Facts in Support of Findings:** The cumulative effects of General Plan Amendment GP-18-04, Zone Change ZC-18-04 have all been considered. The project required the preparation of an Initial Study/Negative Declaration, which discovered no impact due to the Zone Change alone.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of California City does hereby approve the Initial Study, Negative Declaration, and Zone Change 18-04 & General Plan Amendment GPA 18-04 for the a vacant 10 acre parcel located 0.2 miles east of Neuralia Road and 0.18 miles north of Lindbergh Boulevard in Section 27, Township 32, Range 38, APN: 229-010-13 in the county of Kern, California City, CA 93505.

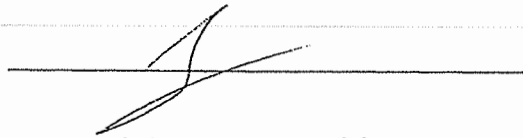
I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the Planning Commission on the 18th day of September, 2018

AYES: Trumble, Hogan, Wall, Elmes and Creighton

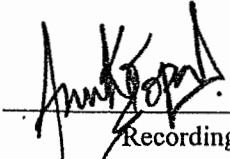
NOES:

ABSENT:

ABSTAIN:

  
Chairman, James Creighton

ATTEST:

 09/18/18  
Recording Secretary

**ORIGINAL**



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

August 29, 2018

Anu Doravari  
California City  
21000 Hacienda Boulevard  
California City, CA 93505-2293

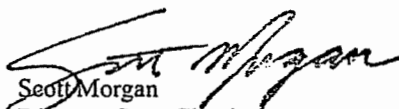
Subject: Parzych Family Trust  
SCH#: 2018071070

Dear Anu Doravari:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on August 28, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

  
Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2018071070  
**Project Title** Parzych Family Trust  
**Lead Agency** California City

---

**Type** Neg Negative Declaration  
**Description** Applying for zone change from O/RA to M1-Light industrial for prospective companies such as solar fields, storage facilities, industrial parks and or cannabis related developments.

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**Lead Agency Contact**

**Name** Anu Doravari  
**Agency** California City  
**Phone** (760) 373-7141 **Fax**  
**email**  
**Address** 21000 Hacienda Boulevard  
**City** California City **State** CA **Zip** 93505-2293

---

**Project Location**

**County** Kern  
**City** California City  
**Region**  
**Lat / Long** 35° 15' 09" N / 117° W  
**Cross Streets** Lindbergh Blvd and Neuralia Rd  
**Parcel No.** 229-010-13  
**Township** 32 **Range** 37 **Section** 14 **Base** MDBM

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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** O/RA - OS, Res or AG

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**Project Issues** Biological Resources

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**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 9; Department of Food and Agriculture; Regional Water Quality Control Bd., Region 6 (Victorville); Air Resources Board, Major Industrial Projects; California Energy Commission; Native American Heritage Commission; Public Utilities Commission

---

**Date Received** 07/30/2018 **Start of Review** 07/30/2018 **End of Review** 08/28/2018



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



August 20, 2018

Anu Doravari  
City of California City  
21000 Hacienda Boulevard  
California City, California 93505

**Subject: Parzych Family Trust Zone Change (Project)  
Negative Declaration  
SCH No. 2018071070**

The California Department of Fish and Wildlife (CDFW) received a Negative Declaration from the city of California City for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects on the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorized as provided by the Fish and Game Code will be required.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** California City

**Objective:** The Project proposes a zone change from O/RA (Open Space Residential/Agriculture) to M-1 (Light Industrial) for prospective companies such as solar fields, storage facilities, industrial parks, and/or cannabis related developments.

**Location:** The Project is located approximately 1000 feet northwest of the corner of Neuralia Road and Lindbergh Boulevard in northern California City; Assessor's Parcel Number (APN) 229-010-13 (10 acres).

**Timeframe:** Unspecified.

## RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the city of California City in adequately identifying and/or mitigated the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### I. Environmental Setting and Related Impact

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?**

Review of the California Natural Diversity Database (CNDDB) reveals records for special-status species within the vicinity of the Project site including, but not limited to, the State and federally threatened desert tortoise (*Gopherus agassizii*), the State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*), and the State protected furbearing mammal desert kit fox (*Vulpes macrotis* ssp. *macrotis*) (CDFW 2018a). Review of aerial imagery indicates that the Project site has habitat features for previous listed species. The Project therefore has the potential to impact biological resources. An

analysis of potential impacts and recommended mitigation measures, summarized by species, follows below.

### **Desert Tortoise**

**Issue:** The Project site is within the range of desert tortoise and appears to contain suitable habitat features based on aerial imagery. Desert tortoise are most common in desert scrub, desert wash, and Joshua tree habitats (CDFW 2018).

**Specific impact:** Potentially significant impacts that may result from Project-related activities include loss of foraging habitat, habitat degradation and fragmentation, burrow destruction, and direct mortality.

**Evidence impact is potentially significant:** Human impacts to desert tortoise include habitat conversion to agriculture and urban lands, degradation of habitat by off-highway vehicles (OHV), intentional killing of tortoises, and killing by cars and OHV (Doak et al. 1994). Habitat conversion to agriculture results in the loss of habitat and may lead to an increase in the predator raven population, drawdown of water table, introduction of pesticides and other toxic chemicals, and the potential introduction of invasive plants (Boarman 2002). Project activities may result in the loss of potential desert tortoise habitat through conversion, may increase habitat fragmentation, and expand urbanization into the area.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential Project-related impacts to desert tortoise, CDFW recommends conducting the following evaluation of the Project site and including the following measures in the CEQA document.

### **Desert Tortoise Surveys**

CDFW recommends that a qualified biologist conduct surveys during the appropriate survey period (April through May or September through October) following the protocol contained in "Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*)" (USFWS 2010) to determine the potential for desert tortoise to use the Project site and surrounding area. Survey results are advised to be submitted to both CDFW and the USFWS. Please note desert tortoise surveys are valid for one year and be conducted within a year of the start of ground-disturbing activities. As an alternative to desert tortoise surveys, the applicant can assume presence of desert tortoise and acquire an Incidental Take Permit (ITP) prior to initiating Project activities to ensure compliance with CESA.

### **Desert Tortoise Take Authorization**

If desert tortoise are found within the Project site during preconstruction surveys or construction activities, consultation with CDFW is advised to discuss how to implement the Project and avoid take; or if take avoidance is not feasible, to acquire an ITP prior to any ground-disturbing activities, pursuant Fish and Game Code Section 2081(b).

### **Mohave Ground Squirrel (MGS)**

**Issue:** Based on aerial imagery, the Project site appears to contain suitable habitat features for MGS. The CNDDDB show that there are multiple MGS occurrences within 5 miles of the Project site.

**Specific impact:** Without appropriate avoidance and minimization measure for MGS, potential significant impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals.

**Evidence impact is potentially significant:** Major threats to the MGS are drought, habitat destruction, habitat fragmentation, and habitat degradation (Gustafson 1993). MGS is restricted to a small geographic range and the greatest habitat loss has occurred near desert towns including California City (Gustafson 1993). Natural cycling is anticipated in MGS populations, therefore, the true indicators of the status of the species are the quantity, pattern of distribution, and quality of habitat (Gustafson 1993). Project activities may result in the loss of potential MGS habitat through conversion, may increase habitat fragmentation, and expand urbanization into the area.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential Project-related impacts to MGS, CDFW recommends conducting the following evaluation of the Project site and including the following measures in the CEQA document.

### **Mohave Ground Squirrel Surveys**

CDFW recommends that a qualified permitted biologist conduct protocol surveys for MGS following the methods described in the "Mohave Ground Squirrel Survey Guidelines" (CDFG 2003) during the appropriate survey season prior to Project implementation, including any vegetation- or ground-disturbing activities. Results of the MGS surveys are advised to be submitted to the CDFW. Please note MGS surveys are valid for one year and be conducted within a year of the start of ground-disturbing activities. As an alternative to MGS surveys, the applicant can assume presence of MGS and acquire an ITP prior to initiating Project activities to ensure compliance with CESA.



## **Mohave Ground Squirrel Take Authorization**

If MGS are found within the Project site during protocol surveys, preconstruction surveys, or construction activities, consultation with CDFW is recommended to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to acquire an ITP prior to any ground-disturbing activities, pursuant Fish and Game Code Section 2081(b).

## **II. Editorial Comments and/or Suggestions**

**Notification of Lake and Streambed Alteration:** CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 et seq. Section 1602(a) of the Fish and Game Code requires an entity to notify CDFW before engaging in activities that would substantially change or use any material from the bed, channel, or bank of any stream or substantially divert or obstruct the natural flow of a stream. CDFW recommends contacting our staff in the Lake and Stream Alteration Program at (559) 243-4593 to determine if a stream alteration agreement is necessary.

**Desert Kit Fox:** The proposed Project site is within desert kit fox range. The desert kit fox is protected under Title 14, California Code of Regulations, Section 460, which prohibits take of the species at any time. CDFW recommends that the USFWS, "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) be followed and that surveys be conducted accordingly and prior to commencing any Project-related activities. If desert kit fox den(s) are found, consultation with CDFW would be warranted for guidance on take avoidance measures for the desert kit fox.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

**Federally Listed Species:** The Department also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to desert tortoise. Take under the Federal Endangered Species Act (FESA) is more broadly defined than

Anu Doravari  
City of California City  
August 20, 2018  
Page 6

CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

#### **FILING FEES**

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

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Should you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager

cc: United States Fish and Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

## REFERENCES

- Boarman, W. I., 2002. Threats to Desert Tortoise Populations: A Critical Review of Literature. U.S. Geological Survey Western Ecological Research Center, August 9, 2002.
- CDFG, 2003. Mohave Ground Squirrel Survey Guidelines. California Department of Fish and Game, January 2003.
- CDFW, 2018. California Wildlife Habitat Relationship System, Desert Tortoise. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2659&inline=1>.
- Doak, D., Kareiva, P. and Kleptka, B., 1994. Modeling Population Viability for the Desert Tortoise in the Western Mojave Desert. Ecological Applications, August 1994.
- Gustafson, J., 1993. Report to the Fish and Game Commission: A Status Review of the Mohave Ground Squirrel (*Spermophilus mohavensis*). California Department of Fish and Game, March 1993.
- USFWS, 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). United States Fish and Wildlife Service,
- USFWS, 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service, January 2011.

RECEIVED WITH FEE  
RECEIPT #15137819

Print Form

Appendix C

FILED  
KERN COUNTY

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # JUL 30 2018

Project Title: Parzych Family Trust

MARY B. BEDARD  
AUDITOR/CONTROLLER-COUNTY CLERK  
BY [Signature] DEPUTY

Lead Agency: California City

Contact Person: Anu Dorvani

Mailing Address: 21000 Hacienda Blvd

Phone: 760-373-7141

City: California City

Zip: 93505

County: Kern

Project Location: County: Kern

City/Nearest Community: California City

Cross Streets: Lindbergh Blvd and Neuralia Road

Zip Code: \_\_\_\_\_

Longitude/Latitude (degrees, minutes and seconds): 35 ° 15 ' 09 " N / 117 ° 07 ' 01 " W Total Acres: 10.0

Assessor's Parcel No.: 229-010-13

Section: 14

Twp.: 32

Range: 37

Base: MDB&M

Within 2 Miles: State Hwy #: No

Waterways: No

Airports: No

Railways: No

Schools: No

Document Type:

CEQA: ☐ NOP

☐ Draft EIR

NEPA: ☐ NOI

Other: ☐ Joint Document

☐ Early Cons

☐ Supplement/Subsequent EIR

☐ EA

☐ Final Document

☒ Neg Dec

(Prior SCH No.) \_\_\_\_\_

☐ Draft EIS

☐ Other: \_\_\_\_\_

☐ Mit Neg Dec

Other: \_\_\_\_\_

☐ FONSI

Local Action Type:

☐ General Plan Update

☐ Specific Plan

☒ Rezone

☐ Annexation

☐ General Plan Amendment

☐ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☐ Use Permit

☐ Coastal Permit

☐ Community Plan

☐ Site Plan

☐ Land Division (Subdivision, etc.)

☐ Other: \_\_\_\_\_

Development Type:

☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_

☐ Office: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_

☐ Commercial: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_

☐ Industrial: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_

☐ Educational: \_\_\_\_\_

☐ Recreational: \_\_\_\_\_

☐ Water Facilities: Type \_\_\_\_\_ MGD: \_\_\_\_\_

☐ Transportation: Type \_\_\_\_\_

☐ Mining: Mineral \_\_\_\_\_

☐ Power: Type \_\_\_\_\_ MW \_\_\_\_\_

☐ Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_

☐ Hazardous Waste: Type \_\_\_\_\_

☐ Other: \_\_\_\_\_

Project Issues Discussed in Document:

☐ Aesthetic/Visual

☐ Fiscal

☐ Recreation/Parks

☐ Vegetation

☐ Agricultural Land

☐ Flood Plain/Flooding

☐ Schools/Universities

☐ Water Quality

☐ Air Quality

☐ Forest Land/Fire Hazard

☐ Septic Systems

☐ Water Supply/Groundwater

☐ Archeological/Historical

☐ Geologic/Seismic

☐ Sewer Capacity

☐ Wetland/Riparian

☒ Biological Resources

☐ Minerals

☐ Soil Erosion/Compaction/Grading

☐ Growth Inducement

☐ Coastal Zone

☐ Noise

☐ Solid Waste

☐ Land Use

☐ Drainage/Absorption

☐ Population/Housing Balance

☐ Toxic/Hazardous

☐ Cumulative Effects

☐ Economic/Jobs

☐ Public Services/Facilities

☐ Traffic/Circulation

☐ Other: \_\_\_\_\_

Present Land Use/Zoning/General Plan Designation:

O/RA - Open Space, Residential or Agriculture

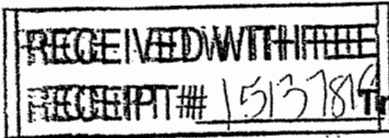
Project Description: (please use a separate page if necessary)

Applying for zone change from O/RA to M1- Light Industrial for prospective companies such as solar fields, storage facilities, industrial parks and or cannabis related developments.

Notice of Environmental Document

Posted by County Clerk on 7/30/18

and for 30 days thereafter, Pursuant to  
Section 21152(C), Public Resources Code



CEQA

## Transmittal Memorandum

FILED  
KERN COUNTY

JUL 27 2018

Attach one transmittal memorandum to the front of the original CEQA document. Clip copies in back.

- If notice requires F&W receipt, you must provide a minimum of 3 copies of the document.
- If notice does not require F&W receipt, you must provide a minimum of 2 copies of the document.

MARY B. BEDARD  
AUDITOR-CONTROLLER-COUNTY CLERK  
DEPUTY

TYPE OR PRINT CLEARLY

LEAD AGENCY City of California CityPROJECT TITLE Parzych Family Trust Zone ChangePROJECT APPLICANT Christie MattulPHONE NUMBER 310-874-4701PROJECT APPLICANT ADDRESS 1214, Daly RoadCITY OJAI STATE CA ZIP CODE 93023WORK ORDER # \_\_\_\_\_ ☒ 30-Day Posting ☐ 35-Day Posting ☐ 45-Day PostingCONTACT PERSON Anu Doravari PHONE NUMBER 760-373-7141

## CHECK DOCUMENT BEING FILED:

- ☐ Notice of Availability ..... No Fee
- ☐ Notice of Intent ..... No Fee
- ☐ Notice of Preparation ..... No Fee
- ☐ Notice of Public Hearing ..... No Fee
- ☐ Other ..... No Fee
- ☐ Environmental Impact Report (EIR) ..... \$3168.00
- ☐ Previously paid (must attach receipt) Receipt Number # \_\_\_\_\_
- ☐ DFG No Effect Determination (F&W letter must be attached) ..... No Fee
- ☐ County Administrative Fee ..... \$50.00
- ☐ Mitigated Negative Declaration or Negative Declaration ..... \$2280.75
- ☐ Previously paid (must attach receipt) Receipt Number # \_\_\_\_\_
- ☐ DFG No Effect Determination (F&W letter must be attached) ..... No Fee
- ☐ County Administrative Fee ..... \$50.00
- ☐ Notice of Exemption ..... No Fee
- ☐ County Administrative Fee ..... \$50.00

TOTAL \$ 2,330.75

\* Additional copies to be returned to: \_\_\_\_\_

\* Method of return: ☐ Hold for pick-up/Call # \_\_\_\_\_☐ Interoffice Mail

## PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

- ☐ Cash/Money Order ☐ JV - Dept \_\_\_\_\_ Fund \_\_\_\_\_
- ☒ Check
- ☐ Credit Card

Notice of Environmental Document  
Expense Key  
Posted by County Clerk on 7/30/18  
and for 30 days thereafter, Pursuant to  
Section 21152(C), Public Resources Code

11172

FILED  
KERN COUNTY

JUL 30 2018

### Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

MARY B. BEDARD  
AUDITOR CONTROLLER-COUNTY CLERK  
BY \_\_\_\_\_ DEPUTY

_____ Air Resources Board	_____ Office of Historic Preservation
_____ Boating & Waterways, Department of	_____ Office of Public School Construction
_____ California Emergency Management Agency	_____ Parks & Recreation, Department of
_____ California Highway Patrol	_____ Pesticide Regulation, Department of
_____ Caltrans District # _____	_____ Public Utilities Commission
_____ Caltrans Division of Aeronautics	_____ Regional WQCB # _____
_____ Caltrans Planning	_____ Resources Agency
_____ Central Valley Flood Protection Board	_____ Resources Recycling and Recovery, Department of
_____ Coachella Valley Mtns. Conservancy	_____ S.F. Bay Conservation & Development Comm.
_____ Coastal Commission	_____ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
_____ Colorado River Board	_____ San Joaquin River Conservancy
_____ Conservation, Department of	_____ Santa Monica Mtns. Conservancy
_____ Corrections, Department of	_____ State Lands Commission
_____ Delta Protection Commission	_____ SWRCB: Clean Water Grants
_____ Education, Department of	_____ SWRCB: Water Quality
_____ Energy Commission	_____ SWRCB: Water Rights
_____ Fish & Game Region # _____	_____ Tahoe Regional Planning Agency
_____ Food & Agriculture, Department of	_____ Toxic Substances Control, Department of
_____ Forestry and Fire Protection, Department of	_____ Water Resources, Department of
_____ General Services, Department of	
_____ Health Services, Department of	_____ Other: _____
_____ Housing & Community Development	_____ Other: _____
_____ Native American Heritage Commission	

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#### Local Public Review Period (to be filled in by lead agency)

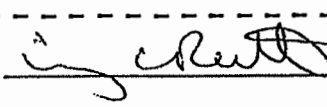
Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_

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#### Lead Agency (Complete If applicable):

Consulting Firm: _____	Applicant: Parzych Family Trust
Address: _____	Address: 1214 DALY RD
City/State/Zip: _____	City/State/Zip: OJAI CA 93023-1946
Contact: _____	Phone: 310-874-4701
Phone: _____	

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Signature of Lead Agency Representative:  Date: 7-25-2018

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                                | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                 |
| <input type="checkbox"/> Biological Resources                      | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils             |
| <input type="checkbox"/> Greenhouse Gas Emissions                  | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality   |
| <input type="checkbox"/> Land Use / Planning                       | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                       |
| <input type="checkbox"/> Population / Housing                      | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                  |
| <input type="checkbox"/> Transportation/Traffic                    | <input type="checkbox"/> Tribal Cultural Resources          | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> <u>Mandatory Findings of Significance</u> |   |  |

## DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

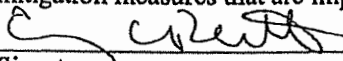
☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

7-25-2018  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.



- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

**SAMPLE QUESTION**

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>I. AESTHETICS.</u> Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**II. AGRICULTURE AND FORESTRY**

**RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>IV. BIOLOGICAL RESOURCES:</u></b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>V. CULTURAL RESOURCES.</u> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>VI. GEOLOGY AND SOILS.</u> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VII. GREENHOUSE GAS EMISSIONS.**

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VIII. HAZARDS AND HAZARDOUS**

**MATERIALS.** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>IX. HYDROLOGY AND WATER QUALITY.</u></b>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>X. LAND USE AND PLANNING.</u> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>XIII. POPULATION AND HOUSING.</u></b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>XIV. PUBLIC SERVICES.</u></b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>XV. RECREATION.</u></b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. Tribal Cultural Resources.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) <u>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) <u>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVIII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) <u>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) <u>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) <u>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

March 26, 2018

Parzych Family Trust

1214 Daly RD Ojai, CA 93026

City of California City

21000 Hacienda Blvd.

California City, CA 93505

Proposed zone change APN 229-010-13

City Staff,

Please find the attached application for zone change and general plan amendment for APN 229-010-13 a 10-acre parcel located in California City, CA. The parcel shares a property line on the northwest corner that was just recently rezoned to M-1 industrial. In addition, the parcel shares the west property with a parcel currently being considered for a rezone to M-1 industrial at the March 27<sup>th</sup> city council meeting. With the current and proposed zone changes neighboring our parcel we feel to maintain the value and best use of our land that it should also be rezoned to M-1 industrial to confirm with the new surrounding zoning and general plan.

We intend to market our property industrial industries like solar farm companies, storage facilities, industrial park investors/developers and the cannabis industry as allowed by the city ordinance.

Thank you for your time and consideration.

Sincerely,

The Parzych Family

Biological Resource Assessment of  
APN 229-010-13  
California City, California

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March 17, 2018

Mark Hagan, Wildlife Biologist  
44715 17<sup>th</sup> Street East  
Lancaster, CA 93535  
(661) 723-0086  
(661) 433-9956 (M)

B.S. Degree, Wildlife Management  
Humboldt State University

## Biological Resource Assessment of APN 229-010-13, California City, California

Mark Hagan, Wildlife Biologist, 44715 17th Street East, Lancaster, CA 93535

### Abstract

Development has been proposed for APN 229-010-13, California City, California. The approximately 10 acre (4 ha) study area was located north of Lindbergh Boulevard and east of Neuralia Road, T32S, R37E, the N1/2 of the N1/2 of the SE1/4 of the NW1/4 of Section 14, M.D.B.M. A line transect survey was conducted on 13 and 17 March 2018 to inventory biological resources. The proposed project area was characteristic of a moderately disturbed creosote bush (*Larrea tridentata*) scrub plant community. A total of nineteen plant species and thirteen wildlife species or their sign were observed during the line transect survey. No desert tortoises (*Gopherus agassizii*) or their sign were observed during the field survey. No Mohave ground squirrels (*Xerospermophilus mohavensis*) were observed or audibly detected during the field survey. No desert kit foxes (*Vulpes macrotis*) were observed during the field survey. One desert kit fox den and one old desert kit fox scat were observed within the study area. The scat was not associated with the den. No burrowing owls (*Athene cunicularia*) or their sign were observed within the study area. No sensitive plants, specifically, Barstow woolly sunflower (*Eriophyllum mohavense*), alkali mariposa lily (*Calochortus striatus*), and desert cymopterus (*Cymopterus deserticola*) are expected to occur within the study area due to lack of suitable habitat. The thorn bushes within the study area offer potential nesting sites for migratory birds. Prairie falcons (*Falco mexicanus*) and other raptors may fly over the site but there are no nesting or roosting opportunities available within the study site. No other state or federally listed species are expected to occur within the proposed project area. No streams or ephemeral washes were observed within the study area.

### Recommended Protection Measures and Mitigations:

Although desert tortoises are not expected to be present the following desert tortoise protection measures will be implemented to further ensure no "take" occurs:

All personnel will receive an education program. Videos, brochures, books, and briefings may be used in the educational program. The education program will provide information on the natural history of the desert tortoise, its status, and protection measures to be followed during construction.

A qualified biological monitor will be present during construction activities until pre-construction surveys have demonstrated that desert tortoises are not present within the project area and a fence to exclude their entry into the site has been constructed.

Construction areas will be clearly fenced, flagged, or marked to delineate the outer boundaries and define the limit of work activities prior to the initiation of work. Construction areas include parking and equipment staging areas.

Preconstruction surveys will be conducted in work areas. Preconstruction surveys will be conducted by qualified biologists. If any desert tortoises are found during preconstruction surveys or during construction; all work will cease until the desert tortoise leaves the area of its own volition or appropriate permits are obtained to relocate the animal.

All workers will inspect underneath parked vehicles prior to operating them. If a desert tortoise is found beneath a parked vehicle, the vehicle will be left parked until the desert tortoise leaves of its own volition to a safe location.

Construction activities between dusk and dawn will not be permitted in areas supporting native vegetation.

At the end of each work day, all open excavations will be backfilled or otherwise altered to prevent desert tortoise from being trapped in them. While excavations remain open, a biological monitor will check for trapped desert tortoises and other wildlife at least three times each day.

All trash and food items will be promptly contained and regularly removed from work areas to reduce the attraction of common ravens (*Corvus corax*) and other desert tortoise predators to the area.

If possible, removal of vegetation will occur outside the breeding season for migratory birds. Nesting generally lasts from February to July but may extend beyond this time frame. If vegetation removal will occur during or close to the nesting season, a qualified biologist will survey all areas to be disturbed as close as possible but no more than one week prior to disturbance. If active bird nests are found, impacts to nests will be avoided by either delaying work or establishing initial buffer areas of a minimum 50 feet (16 m) around active migratory bird species nests. The project biologist will determine if the buffer areas should be increased or decreased based on the nesting bird response to disturbances.

The desert kit fox is a fully protected species and no take permits are available. The "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" will be used as guidelines for addressing desert kit fox issues on the study site (U.S. Fish & Wildlife Service 2011).

The desert kit fox den provides a potential cover site for burrowing owl. A burrowing owl survey will be accomplished within 30 days prior to construction activities to ensure burrowing owls are not present during construction activities. If burrowing owls are discovered the guidance outlined in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" will be used for addressing burrowing owl issues on the study site (California Department of Fish and Game 2012).

**Significance:** This project is not expected to result in a significant adverse impact to biological resources.

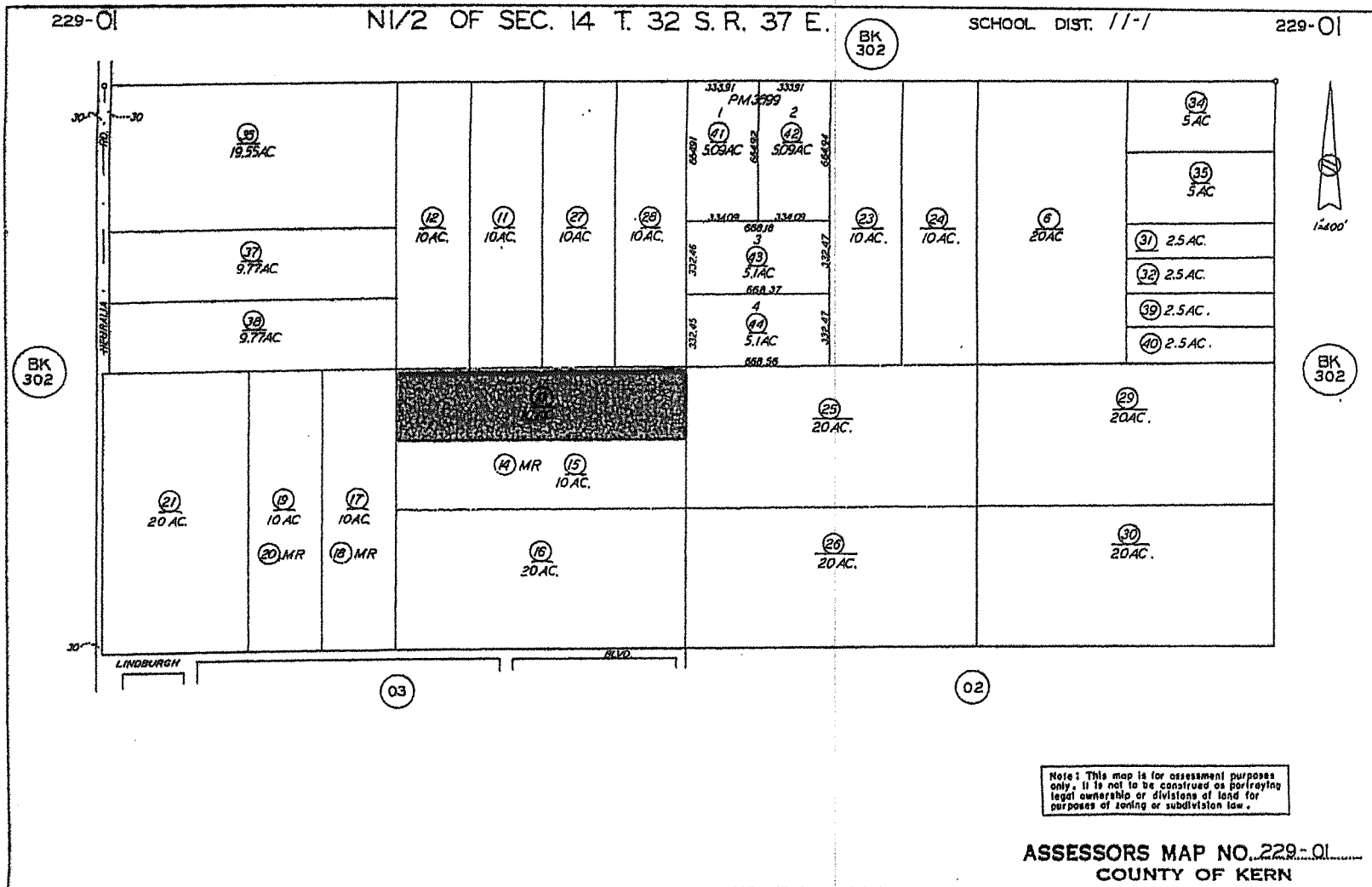
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Development has been proposed for APN 229-010-13, California City, California (Figure 1). Development would include installation of access roads, utilities (water, sewer, electric, etc.), parking areas, etc. The entire area would likely be graded prior to construction activities.

An environmental analysis should be conducted prior to any development project. An assessment of biological resources is an integral part of environmental analyses (Gilbert and Dodds 1987). The purpose of this study was to provide an assessment of biological resources potentially occurring within, or utilizing the proposed project area. Specific focus was on the



Figure 1. Approximate location of proposed project area as depicted on APN map.



presence/absence of rare, threatened and endangered species of plants and wildlife. Species of concern included the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), desert kit fox (*Vulpes macrotis*), burrowing owl (*Athene cunicularia*), prairie falcon (*Falco mexicanus*), desert cymopterus (*Cymopterus deserticola*), Barstow woolly sunflower (*Eriophyllum mohanense*), and alkali mariposa lily (*Calochortus striatus*).

## Study Area

The approximately 10 acre (4 ha) study area was located north of Lindbergh Boulevard and east of Neuralia Road, T32S, R37E, the N1/2 of the N1/2 of the SE1/4 of the NW1/4 of Section 14, M.D.B.M. (Figure 2). Unnamed dirt roads formed the northern and western boundary of the study area. Disturbed creosote bush (*Larrea tridentata*) scrub habitat occurred on the north, east, west, and south sides of the study area (Figure 3).

## Methods

A line transect survey was conducted to inventory plant and wildlife species occurring within the proposed project area (Cooperrider et al. 1986, Davis 1990). Line transects were walked in an east-west orientation. Line transects were approximately 1,320 feet (426 m) long and spaced about 35 feet (11 m) apart (U.S. Fish & Wildlife Service 2010).

All observations of plant and animal species were recorded in field notes. Field guides were used to aid in the identification of plant and animal species (Arnett and Jacques 1981, Borror and White 1970, Burt and Grossenheider 1976, Gould 1981, Jaeger 1969, Knobel 1980, Robbins et al. 1983, Stark 2000). Observations were aided with the use of 10x50 and 10x42 binoculars. Observations of animal tracks, scat, and burrows were also utilized to determine the presence of wildlife species inhabiting the proposed project area (Cooperrider et al. 1986, Halfpenny 1986, Lowrey 2006, Murie 1974). Aerial photographs, California Natural Diversity Database (Mojave NE and California City, North) (CNDD 2018, 2017), and the USGS topographic map were reviewed. Photographs of the study site were taken (Figures 4 and 5).

## Results

A total of 10 line transects were walked on 13 and 17 March 2018. Weather conditions on 13 March 2018 consisted of warm temperatures (estimated 70 degrees F), 5% cloud cover, and moderate to high wind. Weather conditions on 17 March 2018 consisted of cool temperatures (estimated 48 degrees F), 3% cloud cover, and light breeze. Sandy loam surface soil texture was observed throughout the study area. No blue line streams were found on the USGS topographic map. No streams or ephemeral washes were observed within the study area. Topography of the study area was approximately 2,352 to 2,362 feet (759 to 762 m) above sea level.

The proposed project area was characteristic of a moderately disturbed creosote bush scrub habitat (Barbour and Major 1988). A total of nineteen plant species were observed during the line transect survey (Table 1). The dominant shrub species throughout the study area was creosote bush. *Schismus* (*Schismus* sp.) was the dominant annual species throughout the study site. No alkali mariposa lilies, Barstow woolly sunflowers, desert cymopterus, or suitable habitat, for these plant species were observed within the study site.

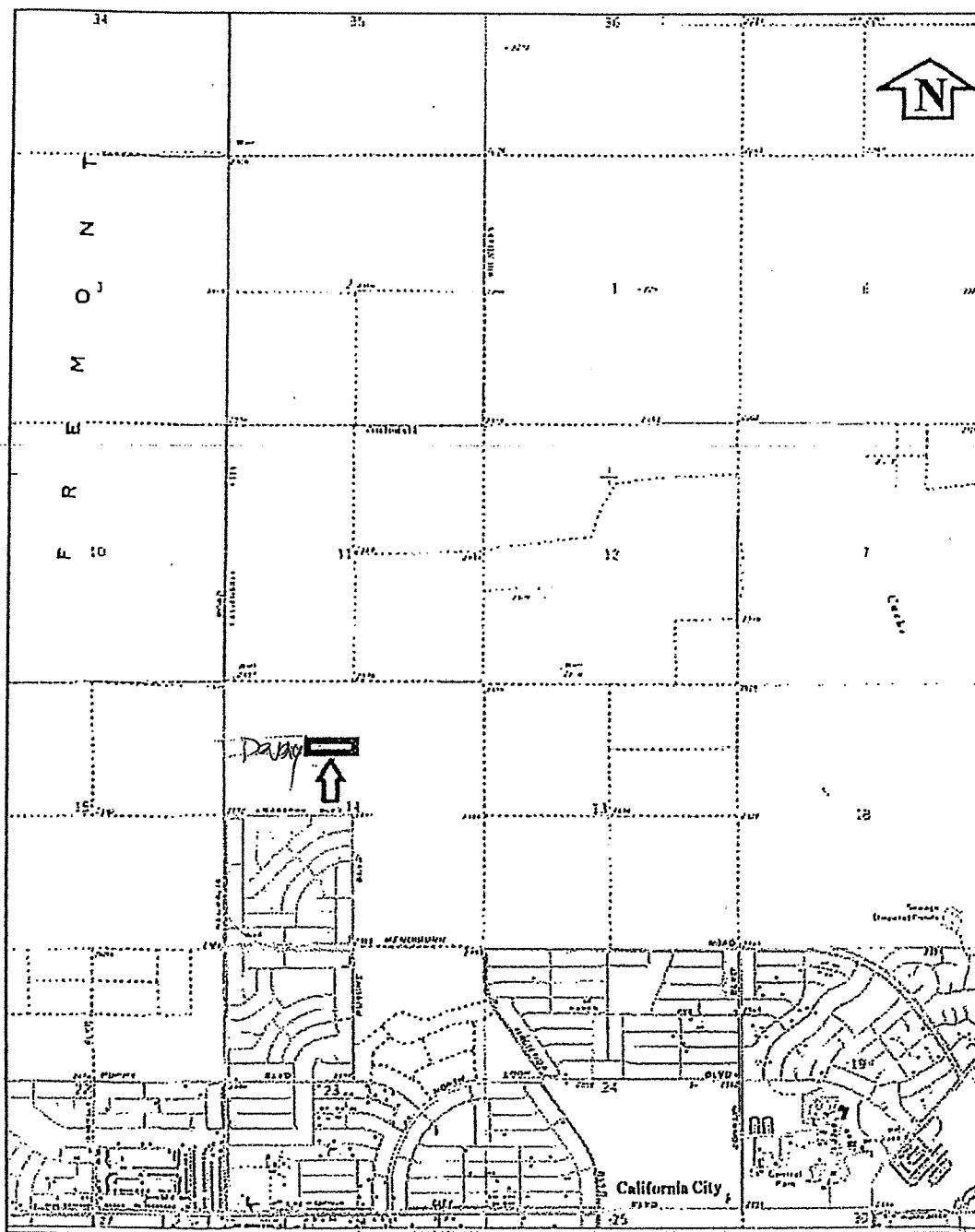


Figure 2. Approximate location of study area as depicted on excerpt from USGS Quadrangle, California City, North, Calif., 7.5' 1973.

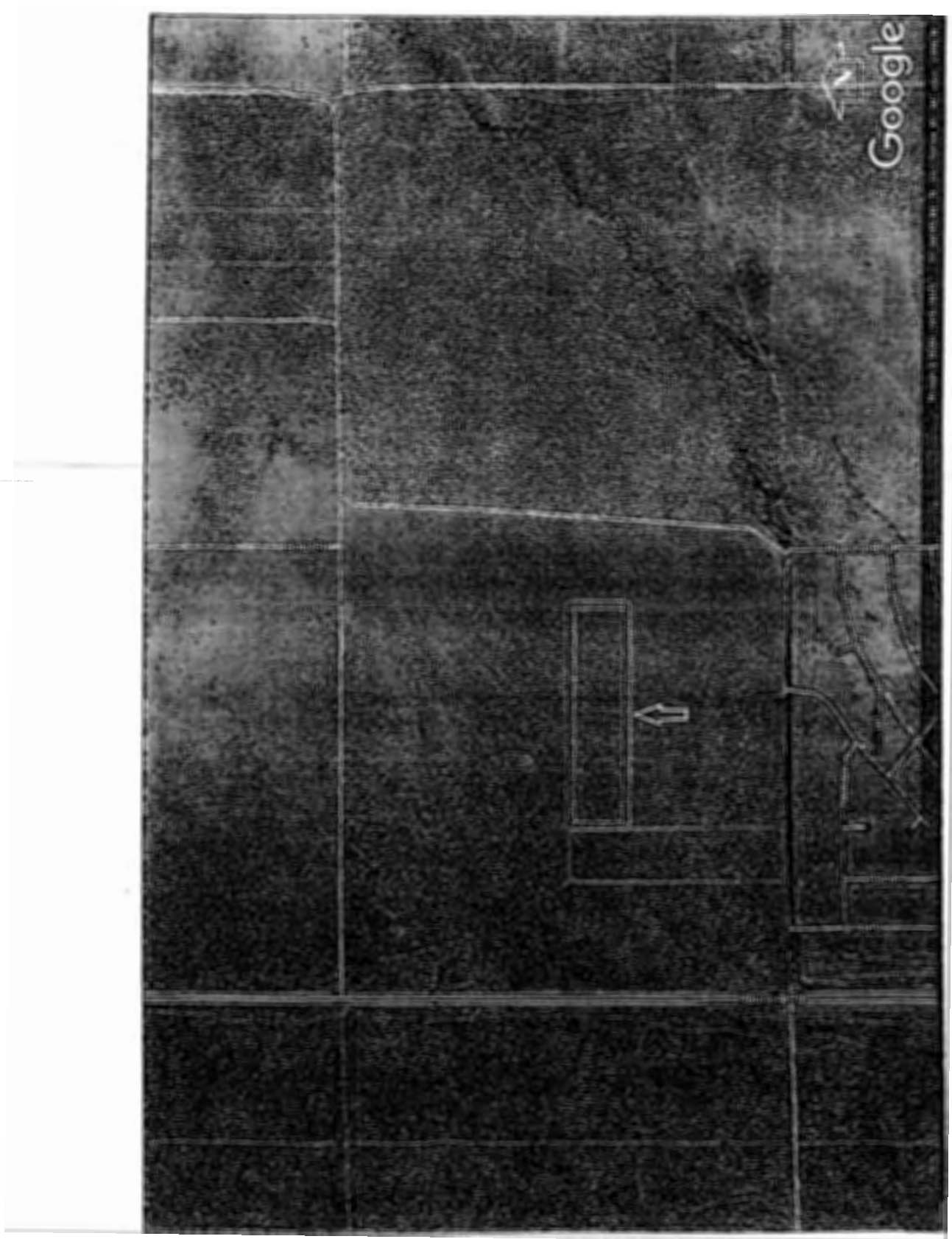


Figure 3. Aerial photo showing surrounding land use, Google Earth, September 2015.



From approximate center of site looking west.



From approximate center of site looking east.

Figure 4. Photographs depicting the general habitat within the study site.



From approximate center of site looking south.



From approximate center of site looking north.

Figure 5. Photographs depicting the general habitat within the study site.

Table 1. List of plant species that were observed during the line transect survey of APN 229-010-13, California City, California.

<u>Common Name</u>	<u>Scientific Name</u>
Creosote bush	<i>Larrea tridentata</i>
Burrobush	<i>Ambrosia dumosa</i>
Silver cholla	<i>Opuntia echinocarpa</i>
Cotton thorn	<i>Tetradymia spinosa</i>
Anderson thorn	<i>Lycium andersonii</i>
Cheesebush	<i>Hymenoclea salsola</i>
Peachthorn	<i>Lycium cooperi</i>
Turkey mullein	<i>Eremocarpus setigerus</i>
Goldenhead	<i>Acamptopappus sphaerocephalus</i>
Davy gilia	<i>Gilia latiflora davyi</i>
Goldfields	<i>Lasthenia californica</i>
Comet blazing star	<i>Mentzelia albicaulis</i>
Fiddleneck	<i>Amsinckia tessellata</i>
Indian ricegrass	<i>Oryzopsis hymenoides</i>
Cheatgrass	<i>Bromus tectorum</i>
Schismus	<i>Schismus</i> sp.
Red stemmed filaree	<i>Erodium cicutarium</i>
Annual burweed	<i>Franseria acanthicarpa</i>
Mustard sp.	Family: Brassicaceae

A total of thirteen wildlife species, or their sign were observed during the line transect survey (Table 2). No desert tortoises or their sign was observed within the study area. No Mohave ground squirrels were observed or audibly detected during the field survey. No burrowing owls or their sign were observed within the study area. No desert kit foxes were observed within the study area. One desert kit fox den and one old desert kit fox scat were observed within the study area. The scat was not associated with the den.

Randsburg ORV route signs are present within approximately 0.5 miles (0.8 km) of the study site on Lindbergh Boulevard. Evidence of sheep grazing was present throughout the study area. Evidence of fire was observed within the study area. A small amount of scattered can debris was present within the study area.

## Discussion

It is probable that some annual species were not visible during the time the field survey was performed. Although not observed, several wildlife species would be expected to occur within the proposed project area (Table 3).

Human impacts to the study area are expected to continue. Habitat in the general area will continue to become degraded and fragmented. Burrowing animals within the proposed project area are not expected to survive construction activities. More mobile species, such as lagomorphs (rabbits and hares), coyotes (*Canis latrans*), and birds are expected to survive construction activities. Development of this site will result in less cover and foraging opportunities for species occurring within and adjacent to the study area.

The desert tortoise is a state and federal listed threatened species. The proposed project area was located within the geographic range of the desert tortoise. The proposed project site was not located in critical habitat designated for the Mojave population of the desert tortoise. No desert tortoises or their sign were observed within the study area. Desert tortoises are not expected to be present within the study area. Therefore, no "take" permits are being obtained.

Burrowing owls are considered a species of special concern by the California Department of Fish and Wildlife (CDFW). No burrowing owls or their sign were observed within the study area. The desert kit fox den provides a potential cover site for burrowing owl. Three burrowing owls were observed in June 2017 roosting on shrubs just south of this study site. Burrows with burrowing owl sign have been observed within adjacent properties.

Many species of birds and their active nests are protected under the Migratory Bird Treaty Act. The few thorn bushes within the study area offer potential nesting sites for migratory nesting birds. Prairie falcons and other raptors may fly over the site but would not be expected to nest within the study area due to a lack of suitable raptor nesting habitat.

The Mohave ground squirrel (MGS) is a state listed threatened species. The proposed project site was located within the geographic range of the MGS. Cover and forage for MGS appeared to be limited within and around the study site. MGS have not been documented within or near the study site in over 18 years (California Natural Diversity Database, 2018, 2017). No winterfat (*Eurotia lanata*) or spiny hopsage (*Grayia spinosa*) were found on the study site. These two species are considered important forage for MGS. Dr. Leitner (2008) determined that combined densities of winterfat and spiny hopsage greater than 250 to 300 per ha (2.5 acres) are associated with occupancy of MGS. Dr. Leitner postulated based on trapping surveys in the



Table 2. List of wildlife species, or their sign, that were observed during the line transect survey of APN 229-010-13, California City, California.

<u>Common Name</u>	<u>Scientific Name</u>
Rodents	Order: Rodentia
Kangaroo rat	<i>Dipodomys</i> sp.
Antelope ground squirrel	<i>Ammospermophilus leucurus</i>
Desert cottontail	<i>Sylvilagus auduboni</i>
Desert kit fox	<i>Vulpes macrotis</i>
Coyote	<i>Canis latrans</i>
Sheep	<i>Ovis</i> sp.
Domestic goat	<i>Capra hircus</i>
Swallow sp.	Family: Hirundinidae
Horned lark	<i>Eremophila alpestris</i>
Harvester ants	Order: Hymenoptera
Ants, small, black	Order: Hymenoptera
Termites	Order: Isoptera

Table 3. List of wildlife species that may occur within the study area, APN 229-010-13, California City, California.

<u>Common Name</u>	<u>Scientific Name</u>
Deer mouse	<i>Peromyscus maniculatus</i>
Merriam kangaroo rat	<i>Dipodomys merriami</i>
Black-tailed jackrabbit	<i>Lepus californicus</i>
Mourning dove	<i>Zenaida macroura</i>
Common raven	<i>Corvus corax</i>
House finch	<i>Carpodacus mexicanus</i>
Sage sparrow	<i>Amphispiza belli</i>
Side blotched lizard	<i>Uta stansburiana</i>
Desert horned lizard	<i>Phrynosoma platyrhinos</i>
Western whiptail	<i>Cnemidophorus tigris</i>
Tarantula wasp	<i>Pepsis formosa</i>
Darkling beetle	<i>Coelocnemis californicus</i>
Butterfly (white)	Order: Lepidoptera
Painted lady butterfly	<i>Vanessa cardui</i>
Dragonfly	Order: Odonata
Grasshopper	Order: Orthoptera

southern portion of the MGS range that densities  $< 24/\text{ha}$  of spiny hopsage and  $< 100/\text{ha}$  of winterfat on a site was considered poor forage and may be related to the absence of MGS. No streams or washes were noted on the study site. Absence of this habitat feature further lessens the likelihood of MGS presence on the study site or their ability to persist during long term drought conditions (Logan 2016). Sheep grazing appears to be having a significant impact on habitat structure and diversity. The continual sheep grazing in desert habitat, to include within and around the study area, may be impacting the sustainability of MGS particularly during consecutive low rainfall years. No wildlife corridors are expected to exist between the closest core MGS population and the project site. The farthest documented movement of MGS is 3.9 miles (Harris and Leitner 2005). The Little Dixie Wash, postulated by Dr. Leitner (2008) to be one of four core areas for MGS is located approximately 30 miles (48 km) to the northeast and the Desert Tortoise Natural Area, a recognized MGS population area, is located approximately 7 miles (11 km) to the east. Neither population area is considered to have immigration into this project site or the lands adjacent to the site. MGS reproduction appears to be tied to adequate rainfall and forage. In low rainfall years (e.g., less than 6.5 cm [2.6 in.]), they may forego breeding (MGSWG 2011), and breeding may not occur for several years during prolonged drought (Best 1995). Because of the small geographic range of the species, low rainfall can lead to reproductive failure throughout the range (MGSWG 2011, Dudek, 2012). Given the short life span of MGS, approximately 5 to 7 years, if too many years pass with less than 2.6 inches of rainfall this reproductive strategy may cause the extirpation of local populations. Rainfall measured over the last 7 years at Edwards AFB, the closest rainfall station registering data, was 2012: 1.5", 2013: 1.16", 2014: 1.75", 2015: 0.30", 2016: 1.63", 2017: 2.51, and 2018 to date: 0.88" (Armstrong Flight Research 2018).. Based on these factors, sparse cover, the disturbance level and small size of the study site, Mohave ground squirrels are not expected to be present within the study area. No protection measures for MGS are recommended.

No suitable habitat for alkali mariposa lily, Barstow woolly sunflower or desert cymopterus was observed within the study site. Based on the results of the field survey these species are not expected to occur within the study area and no protection measures are recommended. No other state or federally listed species are expected to occur within the proposed project area (California Department of Fish and Wildlife 2015, Smith and Berg 1988, U.S. Fish & Wildlife Service 2016).

Landscape design should incorporate the use of native plants to the maximum extent feasible. Native plants that have food and cover value to wildlife should be used in landscape design (Adams and Dove 1989). Diversity of native plants should be maximized in landscape design (Adams and Dove 1989).

#### **Recommended Protection Measures and Mitigations:**

Although desert tortoises are not expected to be present the following desert tortoise protection measures will be implemented to further ensure no "take" occurs:

All personnel will receive an education program. Videos, brochures, books, and briefings may be used in the educational program. The education program will provide information on the natural history of the desert tortoise, its status, and protection measures to be followed during construction.

A qualified biological monitor will be present during construction activities until pre-construction surveys have demonstrated that desert tortoises are not present within the project area and a fence to exclude their entry into the site has been constructed.

Construction areas will be clearly fenced, flagged, or marked to delineate the outer boundaries and define the limit of work activities prior to the initiation of work. Construction areas include parking and equipment staging areas.

Preconstruction surveys will be conducted in work areas. Preconstruction surveys will be conducted by qualified biologists. If any desert tortoises are found during preconstruction surveys or during construction; all work will cease until the desert tortoise leaves the area of its own volition or appropriate permits are obtained to relocate the animal.

All workers will inspect underneath parked vehicles prior to operating them. If a desert tortoise is found beneath a parked vehicle, the vehicle will be left parked until the desert tortoise leaves of its own volition to a safe location.

Construction activities between dusk and dawn will not be permitted in areas supporting native vegetation.

At the end of each work day, all open excavations will be backfilled or otherwise altered to prevent desert tortoise from being trapped in them. While excavations remain open, a biological monitor will check for trapped desert tortoises and other wildlife at least three times each day.

All trash and food items will be promptly contained and regularly removed from work areas to reduce the attraction of common ravens (*Corvus corax*) and other desert tortoise predators to the area.

If possible, removal of vegetation will occur outside the breeding season for migratory birds. Nesting generally lasts from February to July but may extend beyond this time frame. If vegetation removal will occur during or close to the nesting season, a qualified biologist will survey all areas to be disturbed as close as possible but no more than one week prior to disturbance. If active bird nests are found, impacts to nests will be avoided by either delaying work or establishing initial buffer areas of a minimum 50 feet (16 m) around active migratory bird species nests. The project biologist will determine if the buffer areas should be increased or decreased based on the nesting bird response to disturbances.

The desert kit fox is a fully protected species and no take permits are available. The "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance, January 2011" will be used as guidelines for addressing desert kit fox issues on the study site (U.S. Fish & Wildlife Service 2011).

A burrowing owl survey will be accomplished within 30 days prior to construction activities to ensure burrowing owls are not present during construction activities. If burrowing owls are discovered the guidance outlined in the CDFW 2012 "Staff Report on Burrowing Owl Mitigation" will be used for addressing burrowing owl issues on the study site (California Department of Fish and Game 2012).

**Significance:** This project is not expected to result in a significant adverse impact to biological resources.

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State of California - Department of Fish and Wildlife  
RECEIPT FOR THE FILING OF A PROJECT APPLICATION  
DFW 753.5a (Rev. 01/02/18) Previously DFG 753.5a

RECEIPT NUMBER:  
15 — 07302018 — 15137819  
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF CALIFORNIA CITY	LEAD AGENCY EMAIL	DATE 7/30/2018
COUNTY/STATE AGENCY OF FILING Kern	DOCUMENT NUMBER 11172	

PROJECT TITLE

PARZYCH FAMILY TRUST ZONE CHANGE

PROJECT APPLICANT NAME CHRISTIE MATTUL	PROJECT APPLICANT EMAIL	PHONE NUMBER ( 310 ) 874-4701
PROJECT APPLICANT ADDRESS 1214 DALY ROAD	CITY OJAI	STATE CA
		ZIP CODE 93023

PROJECT APPLICANT (check appropriate box)

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	2,280.75
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other

TOTAL RECEIVED \$ 2,330.75

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

KERN COUNTY CLERK, J. BOJORQUEZ OSS

# CITY COUNCIL

February 20, 2018

**TO:** Mayor and City Council

**FROM:** Robert Stockwell, City Manager

**SUBJECT:** Finance Director Appointment

**BACKGROUND:** Since January 2018 we have been without a Finance Director and while it was always the plan to fill this vacancy we did not actively recruit candidate until after the Parcel Tax was approved on July 31, 2018. Over the months I have interviewed several interested persons and did not find any who would meet the minimum educational untechnical credentials required for this position.

The League of California Cities Conference in Long Beach we were introduced to HB Staffing who specialize in municipal recruitments. I tasked them to seek applicants interested in the Finance Director, Accountant and Planner positions. We received several qualified applicants for each position and are moving forward with filling the Accountant and Planner positions and will let the Council when we have completed the process of confirming their appointment.

Based upon the interviews I have had with several qualified applicants for the Finance Director position and successful completion of the background check, I have offered the position to Mr. Diego Ibanez contingent upon ratification of his appointment by the City Council in accordance with the Municipal Code.

Diego possess a BA in Political Science and Legal Studies from UC Santa Cruz, a Master of Public Policy and Administration from Columbia University, School of International and Public Affairs and a Master of Business Administration from Indiana University, Kelly School of Business, Major Finance.

He has over 20 years of varied public and private sector financial management, accounting and leadership. His most recent work is with the City of Santa Monica in their bus transit system. He has demonstrated the ability to adapt to various challenging assignments and organizations.

I am confident he will mesh well with our organization and adapt to our unique demands and become a long-term asset to California City. He plans to relocate to California City within the next few months. His starting date would be November 5, 2018.

**RECOMMENDATION:** Authorize the City Manager to appoint Diego Ibanez as the Finance Director.

**FISCAL AND ENVIRONMENTAL IMPACT:** This position is fully budgeted and authorize in the most recent Staffing Document

## J. DIEGO IBÁÑEZ

Submitted by HB Staffing ~ 714-960-2800

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### EDUCATION

- INDIANA UNIVERSITY, KELLEY SCHOOL OF BUSINESS**, Bloomington, IN May 2006  
*Master of Business Administration*, Major in Finance
- Goldman, Sachs & Co Investment Banking 2004 Summer Camp Participant
  - Fellowship Recipient, Consortium for Graduate Study in Management
- COLUMBIA UNIVERSITY, SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS**, New York, NY May 1999  
*Master of Public Policy and Administration*, major in Advanced Policy Analysis
- Fellow, Hispanic Leadership Institute, Santander, Spain, Summer 1999
- UNIVERSITY OF CALIFORNIA, SANTA CRUZ**, Santa Cruz, CA June 1995  
*Bachelor of Arts in Political Science and Legal Studies*
- Woodrow Wilson Institute in Public Policy and International Affairs, UC Berkeley
- 

### EXPERIENCE

- CITY of SANTA MONICA**, Santa Monica, CA April 2016 – Present  
*Financial Analyst | Big Blue Bus Transit Division*
- Assist in the coordination of City Transit programs and projects, contract analysis and fiscal functions such as budget preparation, revenue and expenditures analysis and capital project forecasts. Supervise one analyst.
  - Assist with the preparation of the Comprehensive Annual Financial Report for Big Blue Bus Division.
  - Prepare reports for Senior Managers, Directors and assist with presentation to the Santa Monica City Council.
  - Analyze policy issues, compile data, conduct surveys and assist in the development and administration of department budgets.
  - Collaborate with various staff and other City Departments in completing special projects and reports.
- InMOTION HOSTING**, Los Angeles, CA March 2016 – Present  
*Controller | Accounting/Finance Group*
- Assist in the coordination of InMotion Hosting's programs and projects, contract analysis and fiscal functions such as budget preparation, revenue and expenditures analysis and capital project forecasts.
  - Preparation of InMotion Hosting Operation and Departmental Budgets. Prepare reports for Senior Management.
  - Responsible for monthly, quarterly and annual closing of company accounts. Supervise three employees.
  - Collaborate with various staff and other Departments in completing special projects, payroll and other reports.
- GLADSTEIN, NEANDROSS & ASSOCIATES**, Santa Monica, CA December 2013 – December 2015  
*Controller | Accounting/Finance Group*
- Develop monthly, quarterly and semi-annual financial, planning and analysis reports for senior management review.
  - Compiled and prepared financial statements and Comprehensive Annual Financial Report (CAFR) for government clients.
  - Assist in the development and implementation of new financial procedures to explain budget/contract variances.
  - Manage project budget and maintain contract requirement for clients in the public and private sectors.
  - Devise and analyze financial reports and variances: developed KPI dashboard to analyze metrics and improve efficiency.
- GLADSTEIN, NEANDROSS & ASSOCIATES**, Santa Monica, CA April 2013 – December 2013  
*Senior Financial Analyst | Finance Group*
- Assisted in the implementation of new financial initiatives for effective strategy planning and business development.
  - Analyzed outstanding budget issues, revenue discrepancies and cost-reduction plans.
  - Transformed accounting and finance department with new streamlined processes.
  - Developed new templates, financial models, and procedures for timely payment and accordance with GAAP Principles.
- TRANSAMERICAN AUTO PARTS: 4WHEEL PARTS**, Compton, CA November 2012 – April 2013  
*Analyst | Financial, Planning, and Analysis Group*
- Assisted in the monthly and quarterly reporting of department revenues and costs.
  - Analyzed full year and quarter budget variances pertaining to corporate department and retail locations.
  - Created financial reporting templates and reports for management strategy, cost-savings, and new product development.
  - Developed financial models to analyze impact of capital projects.
- HARBOR FREIGHT TOOLS**, Calabasas, CA December 2011 – October 2012  
*Senior Analyst | Finance and Procurement*
- Assisted in the strategic financial planning of various departments. Establish financial controls for spending and costs analysis.
  - Performed financial analyses of capital projects, department budgets, and LEAN initiatives for indirect vendor spending.
  - Responsible for corporate implementation of cost-savings initiatives and contract negotiation.



- Develop report automation and template design for fiscal projections and management presentations.

**INDEPENDENT CONSULTANT**, Santa Monica, CA

August 2009 – December 2011

*Consultant | Accounting, Finance and Business Development*

- Assisted in various clients' accounting and financial analyses in month-end and year-end cycles. Performed departmental audits and strategic financial planning.
- Developed business plans for clients seeking to increase revenue streams and
- Assisted in the planning, execution, and implementation of financial database management.

**STONEBRIDGE CAPITAL PARTNERS**, Century City, CA

October 2008 - August 2009

*Associate | Large and Small Cap Group*

- Performed HOLT valuation technical analysis of Large and Small Cap securities. Developed financial valuation models on stocks across several industries, obtained sector research, and presented findings to investment management committee.
- Assisted in the daily tracking of securities that fit into institutional, foundations, and individuals investing process.
- Utilized finance and computer programming skills to improve overall duties of portfolio management team by suggesting new ideas and databases to streamline tasks and improve financial analyses.

**LOMBARDIA CAPITAL PARTNERS**, Pasadena, CA

January 2008 - July 2008

*Research Associate | Large and Mid-Cap Group*

- Performed top-down valuation analysis of Large and Mid Cap securities. Developed financial valuation models on stocks across several industries, obtained sector research, and presented findings to investment management committee. Maintained internal valuation model.
- Developed written analysis of weekly, quarterly and yearly portfolio performance reports for client distribution. Created weekly newsletter addressing for client inquiries.

**KEYBANC CAPITAL MARKETS**, Cleveland, OH

June 2006 - July 2007

*Associate | Technology and Media Group*

- Assisted in the execution of credit and advisory assignments including public offerings, private placements, LBO's and M&A services for middle market clients in the technology and online media sectors. Managed client relationships. Prepared financial models and valuation analyses. Performed industry and company research. Developed client presentations.

**CISCO SYSTEMS, INC.**, San Jose, CA

May 2005 - August 2005

*Summer Associate | Corporate Finance*

- Utilized simulation and pricing modeling skills to analyze market segments of Cisco Systems Products. Assisted in the Sarbanes-Oxley compliance audits of internal finance departments. Evaluated finance strategy of Cisco Systems' Customer Advocacy Channel addressing customer revenue and partnership initiatives.

**ENCOURAGE MARKETING**, Santa Monica, CA

December 2003 - July 2004

*Research Associate | Marketing Finance*

- Utilized finance skills to design an Internet marketing pricing model. Generated financial metrics to measure customer satisfaction, campaign success, and minimize costs.

**DRESDNER KLEINWORT WASSERSTEIN**, New York, NY and London, England

2000 – 2003

*Equity Research Analyst, New York, New York (07/01-06/03)*

- Assisted in the development of equity research models in the Automotive, Oil & Gas, Semiconductor and Wireless Telecommunications sectors. Contributed to equity valuation of research models, reports, and client presentations.

*Internet Equity Research Analyst, London, England, UK (02/00-07/01)*

- Assisted in the comparative analysis and valuation of Pan-European Internet equities. Expanded knowledge of International Accounting Standards, valuation methods, and utilized Internet metrics to contribute to company valuations. Analyzed financial statements and utilized statistical modeling to add results to equity research reports and presentations.

**CREDIT LOCAL DE FRANCE/DEXIA GROUP**, New York, NY

January 1999 - March 1999

*Intern | Public Finance*

- Created financial models assessing risk and credit analysis of seven Latin American municipalities in Mexico and Argentina.

**NEWGATE LLP**, Greenwich, CT

August 1997 - August 1998

*Research Analyst | Emerging Markets*

- Assisted in determining trading strategies for American and Global Depositary Receipts.

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**ADDITIONAL**

- US Citizen. Fluent in Spanish, Conversant in Portuguese, Beginner French and German.
- CFA Level 1 Candidate Dec 2018. Scholarship Recipient CFA Society of Los Angeles.
- University of Florida and University of Rio, Business in Brazil Program, Rio de Janeiro, Brazil, Summer 2003.
- Florida International University, Mercosur Program – Argentina, Brazil, Chile, Summer 2005.
- Proficient in Microsoft Office (Word, Excel, PowerPoint, and Access (Expert Level User)), Cognos (Expert Level User, Report Studio & Query Studio), SQL Server & MySQL (Expert Level User), QuickBooks (Expert Level User), JD Edwards, EAM, Bloomberg, Thomson Banker, Capital IQ, IBES/First Call, BaseLine. HOLT. Compustat, and DataStream.

# CITY COUNCIL

October 9, 2018

**TO: Mayor and City Council**

**FROM: Robert Stockwell, City Manager**

**SUBJECT: Resolution: Cannabis Application Process and Procedure for  
Selecting Cannabis Dispensary Permittees**

## **BACKGROUND:**

On September 28, 2018, the City Council adopted Ordinance 18-765, amending Article 29 Title 9 Cannabis Businesses and Dispensaries and Ordinance 18-766 repealing and enacting Title 5, Chapter 6, entitled "Medical Cannabis related Businesses and Activity" Therefore there is the need for the application procedure to be amended accordingly, as well as the addition of the procedure for selecting cannabis dispensaries permittees.

Staff from those departments working with the cannabis industry, came together and held several meetings to incorporate the adopted changes, with the addition of the dispensaries, into the application procedure attached.

## **RECOMMENDATION:**

The City Council review and adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY CALIFORNIA ADOPTING THE PROCESS FOR ISSUING CANNABIS BUSINESS PERMITS AND ADOPTING THE PROCEDURE FOR SELECTING CANNABIS DISPENSARY PERMITTEES"

## **FISCAL IMPACT:**

An increase in revenue to the City by assessing fees for the Cannabis Dispensary Permittees.

## **ENVIRONMENTAL ACTION:** N/A

*The Finance Director has reviewed the staff report and finds the recommendations to be within the budget constraints of the Department.*

## Attachments:

Resolution

Exhibit A

Exhibit B

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY CALIFORNIA ADOPTING THE PROCESS FOR ISSUING CANNABIS BUSINESS PERMITS AND ADOPTING THE PROCEDURE FOR SELECTING CANNABIS DISPENSARY PERMITTEES**

WHEREAS, on September 28, 2018, the City Council amended Title 5, Chapter 6, Medical Cannabis Related Businesses and Activity eliminating any reference to Medical Marijuana and expanding the types of cannabis businesses that would be allowed in the City and clarifying the permitting process;

WHEREAS, the Ordinance authorizes the City Manager to issue cannabis business permits in the City, subject to all the restrictions and operational requirements in the Ordinance and;

WHEREAS, the Ordinance requires the City Council to adopt by resolution a procedure detailing the application and selection process that will be used in granting the cannabis business permits; and

WHEREAS, the City Council desires to ensure that an application and selection process is established which is consistent with the terms of the Ordinance, and provides a fair process for approving the most qualified and appropriate applicants for the community; and

NOW THEREFORE, The City Council of the City of California City does hereby resolve as follows:

**SECTION 1.** The City Council hereby adopts the Application Procedure To Operate a Cannabis Business in California City and the Cannabis Dispensary Permittee Selection Process as set forth in Exhibit "A" to this resolution, attached hereto and incorporated by this reference.

**SECTION 2.** The City Council also adopts the Cannabis Business Permit Application Form in Exhibit "B" to this resolution, attached hereto and incorporated by this reference.

**SECTION 3.** The City Manager or his designee is hereby authorized to adopt regulations or procedures consistent with the procedures adopted herein, as determined to be necessary for the proper administration of the application and permitting process.

PASSED, APPROVED AND ADOPTED by the City Council of the City of California City on this 9th day of October 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Jennifer Wood, Mayor

ATTEST:

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Denise Hilliker, City Clerk



# Exhibit A

## APPLICATION PROCEDURE TO OPERATE A CANNABIS BUSINESS IN CALIFORNIA CITY

The application process for a license to operate a Cannabis Businesses ("CB") in California City opened on **Monday October 17th, 2016**. Applications will be available at the Public Works Department, Building Division located at City Hall. For questions regarding the application process please review the FAQ's, at the California City's webpage: [www.Californiacity-ca.gov](http://www.Californiacity-ca.gov). This outlines the application process, required materials, and other information necessary to operate a CB in California City. To be considered, applications **must be** submitted to the Public Works Department, Building Division located at 21000 Hacienda Boulevard, California City, CA, 93505. This application process is adopted pursuant to California City Municipal Code Section 5-6.501.

### **BEFORE YOU APPLY:**

- Review the information to learn about the application process and which documents you will need.
- Review the application in its entirety to ensure that it is complete and accurate.
- Review the information regarding the Cannabis business application on the webpage: [www.Californiacity-ca.gov](http://www.Californiacity-ca.gov) which includes the following information:

- Local regulations governing California City CB's: California City Municipal Code ("CCMC") Title 5 Chapter 6.
- Live Scan Form.
- State laws governing CB's: The California Department of Justice Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use and Senate Bill 420 (Cannabis Program Act).
- Local Zoning Ordinance Title 9 Chapter 2
- Frequently Asked Questions

- (1) **Application Process: Evaluation and Approval:** The selection process shall consist of the following Two Phases:

Phase 1: Preliminary determination of eligibility. \$5,000.00

Phase 2: Final Approval. \$4,000.00

**Dispensary: See Exhibit A \$5,000.00 for previously vetted applicants  
\$9000.00 for new applicants**

For more information, see Evaluation and Selection Process below.

- (2) **Criminal History Check:** As part of Phase 1 of the Application Process, each individual applying to be a principal of the CB ("Principal") must apply for a Live Scan criminal history check. This process must be conducted by any qualified Live Scan Entity, unless these procedures are amended in which case the City will post the updated procedures on the City Website. In addition, due to limited staff resources you are encouraged to schedule your appointment as early as possible in order complete your Live Scan by the City's Police Department. The Live Scan process involves submitting fingerprints to the DOJ/FBI, which will review for criminal offender record information (CORI). CORI reports will be provided to California City for the sole purpose of determining eligibility for operating a CB. See CCMC Chapter 5-6.906 (m) for background check requirements. Principals who do not meet criminal history eligibility requirements will be disqualified.

- (3) Applicants will be required to obtain a **"Zoning Verification Letter"** from the Public Works Department,

that the location proposal the applicant is applying for meets locational requirements prior to submitting their CB application.

(4) **Application:** Applicants must deliver one (1) complete electronic and comprehensive signed copy of the California City Cannabis Business Application Form, and all attachments in a pdf format, or by flash drive which contains one comprehensive and signed copy of the application in a pdf format, and payment of **\$5,000.00** for the initial application fee and **\$4,000.00** for phase 2. Payment must be made by a certified check, cashier's check or money order made payable to "California City". Please note the City will not accept cash and Phase 1 Application Fees are non-refundable. If the applicant fails phase 1 and discontinues the application process **\$3,000.00** will be refunded of the Phase 2 Fees. A complete application will consist of the following information:

- a. The California City Cannabis Business Application Form;
- b. Proof of Live Scan payment for each of the Principals;
- c. Zoning Verification Letter; and
- d. All of the information about the CB to be evaluated in Phase 1 which is described in the Application Process section below in this procedure. The only information that can be submitted after the initial application is proof of property ownership or lease agreement. However, any change in location will require a new "Zoning Verification Letter" and must be submitted with the application package.

(5) **Amendments to the Application:** Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or authorized in writing by the City. During Phase 1, applicants will be notified if any of the Principals are ineligible and/or if their application is incomplete and will not move forward in the application process. However, in some cases the City may move forward in the application process to other phases should it anticipate that the Live Scan will take a significant amount of time to be returned to the City. In this case Applicants wishing to move forward in the process acknowledge by signing the application that they agree to these terms and should they be disqualified as a result of a background or a Live Scan disqualification they will not be eligible for a refund of any fees collected resulting from the modification of this procedure.

(6) **Payment of Application Fees:** The individual designated as the CB contact on the application will be notified by e-mail as to whether the application is advancing to Phase 2. As part of Phase 2 the Applicants for each category as determined by the Ordinance or by resolution will be presented to City Council for final consideration for each permitted category.

#### **EVALUATION PROCESS:**

The evaluation and selection process shall consist of the following:

➤ **Phase 1: Determination of Eligibility and Application**

- Each Principal must undergo a criminal history check demonstrating compliance with the eligibility requirements of CCMC Chapter 5-6.906 (m) for background checks.
- Applications must be complete to be considered. Applications will be considered complete only if they include all information required.
- Proposed location of business.
- Execute an agreement indemnifying the City from liability.

1. City staff prepares and presents report to City Manager.
2. City Manager makes final decision.

- Following an evaluation of the application materials, City staff shall prepare a report bringing forward to the City Manager the applicants of all categories. Please note that being awarded a CB does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for any and all construction including electrical, plumbing, fire,

planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CB application process meet the standards or requirements of those permitting departments. All permit awardees will still be required to complete all the permitting processes for the proposed construction or occupation of their facility.

- After the initial review the City Manager will issue permits for all cannabis businesses except for dispensaries. For cannabis dispensary permits, the City Manager will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with Article 7.

#### **DESCRIPTION OF EVALUATION CRITERIA:**

- **Proposed Location.** Your application must include the address and a detailed description of the proposed location. (Note that proof of ownership, or a notarized letter of the owner's willingness to lease will not be given any additional consideration). This section should also describe all sensitive uses and shall not be any closer than one thousand (1,000) feet from any parcel containing a school, college or university (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12); churches or other house of worship; a park, daycare facility serving nine or more children and is licensed by the county; a drug or alcohol rehabilitation facility providing on-site medical treatment as described in Section CCMC 9-2-2903. The CB must be located in the appropriate zoning and meet all of the locational requirements as in described in CCMC Chapter 2 Zoning.
- **Business Plan.** With as much detail as possible, the Business Plan should describe:
  - Description of day-to-day operations. See CCMC Section 5-6.1001.
  - How the CB will conform to local and state law. See CCMC Sections 5-6.101, 5-6.1101, 5-6.1401, 5-6.1402, 5-6.1403, 5-6.1405, and the Attorney General's Guidelines for the Security.
  - How Cannabis will be tracked and monitored.
  - A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.
- **Safety and Security Plan.** For each proposed location, your application should include:
  - A detailed **safety plan**. This plan should describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place. An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
  - A detailed **security plan**. This plan need to meet at minimum State Guideline in Article 5. Security Measures at:
  - <https://cannabis.ca.gov/wp-content/uploads/sites/13/2018/07/Bureau-of-Cannabis-Control-Proposed-Text-of-Regulations.pdf>
  - A **complete project site plan** showing the proposed project scaled to a 24 X 30 sheet of paper.

#### **The City's Reservation of Right's**

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal.

#### **CONTACT:**

If you have any questions or would like an update on the status of your application, please contact Tiffany Carter at 760-373-7152 or by email at [ccbldg-code@Californiacity-ca.gov](mailto:ccbldg-code@Californiacity-ca.gov)



## EXHIBIT A

### ARTICLE 7. – CANNABIS DISPENSARY PERMITTEE SELECTION PROCESS

#### Sec. 5-6.701. - Selection and Review of Finalists.

- (a) The City Council shall adopt by resolution a procedure by which the applicants in each category of cannabis dispensary will be presented to the City Council for a final determination at a public meeting.
- (b) The top applicants in each category of cannabis dispensary that are selected for final consideration may be invited to attend the City Council meeting, where they will be expected to make a public presentation introducing their teams and providing an overview of their proposals. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
- (c) At least ten (10) days prior to the hearing, notice of the hearing shall be sent to all property owners located within three hundred (300) feet of the proposed dispensary locations of each of the finalists to be considered by the City Council.
- (d) The City Council shall rank the final candidates and shall select the top candidate in each category of cannabis dispensary, which candidate shall become the prevailing candidate. The City Council's decision as to the selection of the prevailing candidates shall be final.
- (e) Official issuance of the cannabis dispensary permit, however, is conditioned upon the prevailing candidate obtaining all required land use approvals. Following the Council's selection, the prevailing candidate shall apply to the City to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall comply with all applicable provisions of CEQA. The City Manager shall formally issue the cannabis dispensary permit once the City Manager and Building Department have both affirmed that all of the required land use approvals have been obtained.
- (f) Issuance of a cannabis dispensary permit does not create a land use entitlement. The cannabis dispensary permit will be for a term of twelve (12) months and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter and of the permit, have been complied with.
- (g) Notwithstanding anything in this Chapter to the contrary, the City Council reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis dispensary permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter.
- (h) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.
- (i) Each person granted a cannabis dispensary permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit program created in this Chapter.

#### Sec. 5-6.702. - Permits Issued to Back-up Applicants.

The City Council reserves the right at any time, in its sole discretion, to simply restart the selection process over. Alternatively, within eighteen (18) months following the issuance of any cannabis dispensary permit, if any of the candidates chosen by the City Council to be permitted withdraws from the process or its application is terminated for any reason, the City Council may direct staff to determine whether the runner-up applicant (ranked next highest after those chosen for permitting in the same category) in that category, based on the final ranking of the finalist, still desires a permit. If the applicant still desires a permit, city staff shall proceed to hold a public hearing, which will include notice to surrounding property owners, to evaluate the runner-up candidate's application for potential issuance of a permit. The City will utilize the same process which was used for the applicants chosen to receive permits. Prior to the hearing, the runner-up applicant shall be required to complete any additional requirements, and to update any information from its original application, which the City Manager or his/her designee may determine is reasonably required to verify that the applicant still appropriately qualified and has met all requirements. The City

Council shall then hold the public hearing and make a determination whether a permit should be issued to the runner-up applicant or be denied. If the Council determines a permit should be issued, the applicant shall be required to follow the same process for land use and zoning approvals, before a permit will officially be issued.

Notwithstanding the foregoing, the City shall have no obligation to offer the permit to the runner-up applicant if an applicant has withdrawn its application, or if the Council finds, based on substantial evidence that the applicant no longer qualifies, is in violation of state or local laws or regulations, or that it would not be in the community's best interest to grant the permit as a result of impacts on the community's health, safety or welfare.

## Exhibit B



### California City Public Works Department

California City Public Works Department  
21000 Hacienda Blvd, California City, CA 93505  
Tel: 760-373-7152  
Email: [ccbldg-code@Californiacity-ca.gov](mailto:ccbldg-code@Californiacity-ca.gov)

FEE PAID  
\$ \_\_\_\_\_

DATE STAMP  
HERE

## CANNABIS BUSINESS PERMIT APPLICATION FORM

Business Name: \_\_\_\_\_

Business Primary Contact: \_\_\_\_\_

Contact Title: \_\_\_\_\_

Contact's Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

24-Hour Contact Information: \_\_\_\_\_

Type of Permit Being Requested: \_\_\_\_\_

Please select from one of the following categories for which you are applying for a Cannabis Business Permit Application. A separate application must be completed for each category type in which you are submitting for consideration along with a separate fee (Cultivation, Distribution, Manufacturing, Testing Lab and Dispensary). Please note the dispensary selection process under Exhibit A will be completed by the City Council.

☐

Cultivation

☐

Distribution

☐

Manufacturing

☐

Testing Lab

☐

Dispensary

☐

Please check this box to indicate whether there are other related applications.

For details about the information required as part of the application process, please see the Implementation Procedures to Operate a Cannabis Business in California City, Title 5 Article 6 for additional requirements in order to complete the application process. All these documents can be found on the California City webpage: [www.Californiacity-ca.gov](http://www.Californiacity-ca.gov)

**Phase I****Section A: Principal Background Information (Must be signed by all Principals)**

Under penalty of perjury, I acknowledge that I have personal knowledge of the information stated in this application and that the information contained herein is true. I also understand that the information provided in this application, except the Safety and Security Plan in Section C and certain confidential information such as driver's license and social security number which can be redacted, may be public information and subject to disclosure under the California Public Records Act.

**Principal Name:** \_\_\_\_\_

**Principal Title:** \_\_\_\_\_

**Principal Home or Cell Phone:** \_\_\_\_\_

**Principal Home Address:** \_\_\_\_\_

**Principal Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Attachments:

\_\_\_\_ Proof of status as a qualified patient or primary caregiver (State card or doctor recommendation)

\_\_\_\_ Receipt from Live Scan check

\_\_\_\_ Picture of applicant (two passport quality photographs 2X2)

\_\_\_\_ Copy of Social Security Card

\_\_\_\_ Copy of Driver's License, DMV issued ID Card or Passport

\_\_\_\_ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

☐

**Principal Name:** \_\_\_\_\_

**Principal Title:** \_\_\_\_\_

**Principal Home or Cell Phone:** \_\_\_\_\_

**Principal Home Address:** \_\_\_\_\_

**Principal Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Attachments:

\_\_\_\_ Proof of status as a qualified patient or primary caregiver (State card or doctor recommendation)

\_\_\_\_ Receipt from Live Scan check

\_\_\_\_ Picture of applicant (two passport quality photographs 2X2)

\_\_\_\_ Copy of Social Security Card

\_\_\_\_ Copy of Driver's License, DMV issued ID Card or Passport

\_\_\_\_ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

☐

Principal Name: \_\_\_\_\_

Principal Title: \_\_\_\_\_

Principal Home or Cell Phone: \_\_\_\_\_

Principal Home Address: \_\_\_\_\_

Principal Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attachments:

\_\_\_\_ Proof of status as a qualified patient or primary caregiver (State card or doctor recommendation)

\_\_\_\_ Receipt from Live Scan check

\_\_\_\_ Picture of applicant (two passport quality photographs 2X2)

\_\_\_\_ Copy of Social Security Card

\_\_\_\_ Copy of Driver's License, DMV issued ID Card or Passport

\_\_\_\_ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

☐

**Add more pages as necessary to accommodate signatures of all Cannabis Business Principals.**

1. List whether, the applicant(s) has other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other licenses and or permits relating to similar business activities as in the permit application. If yes, please list the type, current status, issuing/denying for each license/permit. (Please attach a separate document explanation if necessary)

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2. List any and all partners who have been found guilty of a violent felony, a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude, or the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substance Act, with the exception of cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996. (Please attach a separate document explanation if necessary)

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**Section B: Business Organization Status**

1. Describe the Cannabis Business organizational status:

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☐ Attach proof of status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City.

**Section C: Cannabis Business Description and Location**

1. Statement of Purpose of Cannabis Business (a separate sheet may be attached):

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2. Proposed Location of Business: \_\_\_\_\_

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3. Name and address of property owner: \_\_\_\_\_

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4. Name and address of school closest to Proposed Location: \_\_\_\_\_

---

5. Name and address of existing alcohol related establishment closest to Proposed Location:

---

6. Have you received a Zoning Verification Letter? (Please check the appropriate response)

Yes \_\_\_\_\_ (If yes, include documentation with this section of the application) No \_\_\_\_\_

7. Description of neighborhood around the proposed location surrounding uses, nearby sensitive uses (such as schools, churches, parks, daycares, or residents), transit access to site, etc. A separate sheet may be attached.
- 
- 
- 
- 
- 

8. Site plan must be dimensioned and show the entire parcel including parking and additional structures. In addition, please, show elevations and photos of proposed location (Attach to application). If any exterior alterations are proposed for the existing building, also attach proposed site plans (accurate, dimensioned and to-scale [minimum scale of  $\frac{1}{4}$ "]) should be included for each potential location and elevations. A smaller scale can be used if the property is located on a  $\frac{1}{2}$  acre or more but in no case shall the dimensions be on a sheet of paper larger than 11X17.

9. Floor Plans (Attach to application accurate, dimensioned and to-scale [minimum scale of  $\frac{1}{4}$ "]) should be included for each potential location). If any interior alterations are proposed for the existing building, also attach proposed floor plans. A smaller scale can be used if the property is located on a  $\frac{1}{2}$  acre or more but in no case shall the dimensions be on a sheet of paper larger than 11X17.

10. Signage Plan.

11. Vicinity Map.

12. Photos of the site and building(s).

### Section D: Required supplemental information

This information is required for this application to be considered complete. Attach the following reports to the application. For explanation about the information required, see the Implementation Procedures handout.

☐

Business Plan

☐

Neighborhood Compatibility Plan

☐

Safety and Security Plan

**Section E: Project Location Information**

Project location or locations to be considered. Attach proof of ownership of the site or a signed and notarized statement from the property owner.

**Section F: Essential Supplemental Information**

This information is required and you must submit this as part of meeting the requirements for a completed application. Check the box evidencing that you have read the Description of Evaluation Criteria related to these specific categories in the Implementation Procedures and attach the relative report(s) to the application.

☐ Enhanced Product Safety

☐ Environmental Benefits

☐ Community Benefits

☐ Labor and Employment

☐ Qualifications of Principals



**Staff use only:**

Date of initial application: \_\_\_\_\_

Number assigned to application: \_\_\_\_\_

Date fee received for Phase I & II: \_\_\_\_\_

Date application reviewed for Phase I: \_\_\_\_\_

Date application reviewed for Phase II: \_\_\_\_\_

Date application reviewed for Phase III: \_\_\_\_\_

Pass Phase I: \_\_\_\_\_

☐

Continued to Phase II

☐

Denied

Pass Phase II: \_\_\_\_\_

☐

Approved

☐

Denied

Pass Phase III: \_\_\_\_\_

☐

Council Approved

☐

Council Denied



# CITY COUNCIL

October 9, 2018

**TO:** Mayor and City Council  
**FROM:** Robert Stockwell, City Manager  
**SUBJECT:** Green Houses for Cannabis Cultivation

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## **BACKGROUND:**

In 2016, the City Council enacted an ordinance to allow medical marijuana as an industry in California City. The City Council recently amended the ordinance to allow medical and recreational cannabis activities in our City. One of the motivations to allow this industry was to provide a tax base for the City. The response to this ordinance has exceeded our expectations and we now have over 200 temporary permittees. To date, only one of these businesses are fully operational and being taxed.

One of the main problems facing our City and especially this industry, is the lack of available power, specifically electricity. Since the ordinance excludes outdoor grows, the focus has been on developing full indoor cultivation, and while greenhouses are not prohibited staff has discouraged developers from proposing them. Complete indoor cultivation requires extensive electrical service which is currently not available in nearly all the areas where the cultivation and other cannabis businesses would be best located. Both Southern California Edison and Southern California Gas Co have indicated that it will be between two to five years before we will have the power needed to run these operations. Several large groups have already left the City and gone to other locations to get their facilities up and running. It is becoming very apparent that if we wait until the City has enough power, we run the risk of losing major portions of this industry, which once developed elsewhere, will not return to California City.

For these reasons several cannabis businesses have approached staff with the proposal that the City consider allowing greenhouses where insufficient power exists to support full indoor cultivation. The concept would be to allow these as a temporary solution while the electrical infrastructure is developed. The initial term for a greenhouse would be two (2) years with a review at the end of the 2<sup>nd</sup> year to determine whether there is enough power to support an indoor cultivation structure. If there is not enough power at that time a one (1) extension would be granted and the same determination would be made at the end of the extension. The maximum time would be five (5) years. The operators would still be required to mitigate any negative impacts such as odors in accordance with the municipal code. The greenhouses would be required to have a steel super structure anchored into concrete footings and the exterior sheeting must withstand winds of 130 MPH.

## **RECOMMENDATION:**

Direct the City Manager and City Attorney to develop the necessary agreement to allow for the construction of greenhouses for cultivation of cannabis on a temporary basis (2-5 years) until there is enough electrical power to support indoor cultivation.

### **FISCAL AND ENVIRONMENTAL IMPACT:**

This should accelerate the construction and operation of multiple medium to large scale cannabis cultivation facilities resulting in significant revenues over the next several months.

## CITY COUNCIL

October 9, 2018

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**To:** Mayor and Council

**From:** Police Chief Hurtado

**Subject:** CalPERS Employee – Urgency Declaration

**Background:** The City California City Police Department arrests on average 800-950 people each year. Each arrest consists of a lengthy arrest report. This report is prepared by the arresting officer and then processed by specially trained civilian Records Clerks to prepare for the court process. Those who remain in custody are seen before a judge within 48 hours of the arrest. In order to keep the suspects in custody, the District Attorney must present to the Judge a special “packet” for the courts. If the courts do not receive this packet in time, the suspect gets released from custody.

Most of the suspects who are “in-custody” have been arrested for more serious crimes while other suspects are released after signing a Notice to Appear.

The Records Department consists of (2) two records clerks and a police aid. Our records supervisor retired in May of this year. The other records clerk is currently on medical leave and is set to retire in 1 week. The police aid is currently vacant.

We currently have two replacement candidates who are going through security backgrounds. We anticipate them to be complete in 2 – 3 weeks. The police aid position is currently being advertised by Human Resources and will probably not be filled for up to 2 months due to the lengthy hiring process.

Our previous Records Supervisor retired on May 15, 2018. She still lives locally and is willing to temporarily assist the City in covering this gap plus train the replacements. She is also willing to assist on the monthly sample audits as well as the next full Department of Justice Records audit.

As per the CalPERS “Employment After Retirement” program, there is a CalPERS requirement that a former CalPERS employee may not return as a temporary “960 annuitant” for a period of 180 days following retirement unless it meets one of a few exceptions. The exception that would apply states:

***“Before you begin work, your employer must certify the nature employment and that the appointment is necessary to fill a critically needed position sooner than 180 days. The appointment must be approved by the employer’s governing body, in a public meeting, and must be approved as an action item, rather than on a consent calendar.”***

Due to the urgency and time restraints, staff requests that council consider the approval of temporarily filling the Records Supervisor position with the previous employee, Rocky Gallant, on a temporary 960 (Up to 960 hours per fiscal year) to end no later than the end of this current fiscal year. The supervisor would maintain the Police Records Department

**NB 4.**

until the new-hires begin, complete a thorough training of the new-hires, and assist the City with the upcoming Audits during this fiscal year.

The total burden rate per week for this position is \$1,530. The "960 Annuitant" equals 24 FTE weeks. We are currently in week 14 of this fiscal year. The remaining 10 weeks at FTE would be \$15,300.

**Recommendation:**

Staff requests that the City Council of the City of California City to declare an "Urgency" under CalPERS. Staff has identified Rocky Gallant as a former California City Police Records employee who has specialized training needed for this position. The City would be unable to fill this position quickly enough to prevent a disruption in critical services.

**Financial Impact:**

The total fiscal impact would be \$15,300 to come from 18-4213 and create a line item for Temp/Part Time of 18-4213-120.

*The finance director has reviewed the staff report and finds the recommendations to be within the budget constraints of the program.*

**Environmental impact:** None

**Submitted:** Chief Hurtado

## **RESOLUTION NO.**

### **RESOLUTION FOR 180-DAY WAIT PERIOD EXCEPTION**

G.C. Sections 7522.56 & 21224

**WHEREAS**, in compliance with Government Code section 7522.56 the City Council of the City of California City must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or get retirement date; and hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, Rocky Gallant retired from City of California City in the position of Record Supervisor, effective May 15, 2018; and

**WHEREAS**, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is November 12, 2018 without this certification resolution; and

**WHEREAS**, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the City Council of the City of California City the City of California City and Rocky Gallant certify that Rocky Gallant has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the City Council of the City of California City hereby appoints Rocky Gallant as an extra help retired annuitant to perform the duties of the for the City of California City under Government Code section (21224 or 21227<sup>1</sup> or 21229<sup>2</sup> specify which), effective October 10, 2018; and

**WHEREAS**, the entire employment agreement, contract or appointment document between Rocky Gallant and the Coty of California City has been reviewed by this body and is attached herein; and

**WHEREAS**, no matters, issues, terms, or conditions related to this employment and appointment have been or will be placed on consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHERAS**, the maximum base salary for this position is \$4,951.00 and the hourly equivalent is \$26.49, and the minimum base salary for this position is \$4,951.00 and the hourly equivalent is \$26.49; and

**WHEREAS**, the hourly rate paid to Rocky Gallant will be \$26.49; and

**WHEREAS**, Rocky Gallant has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

**THEREFORE, BE IT RESOLVED THAT** the City Council of the City of California City hereby certifies the nature of the employment of Rocky Gallant as described herein and detailed in the attached employment agreement / contract / appointment document and that this appointment is necessary to fill the critically needed position of Record Supervisor for the City of California City by October 10, 2018 because there are no other qualified personnel who are certified by Kern County and the Department of Justice to perform the duties of this position.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of October 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

---

Jennifer Woods, Mayor

---

Denise Hilliker, City Clerk

(seal)





A Guide to CalPERS  
**Employment After Retirement**

**This page intentionally left blank to facilitate double-sided printing.**

**California Public Employees' Retirement System**

400 O Street  
P.O. Box 942701  
Sacramento, CA 94229-2701

**888 CalPERS** (or **888-225-7377**)

[www.calpers.ca.gov](http://www.calpers.ca.gov)

PUB 33  
August 2017

2017A.1



## PRIVACY NOTICE

The privacy of personal information is of the utmost importance to CalPERS. The following information is provided to you in compliance with the Information Practices Act of 1977 and the Federal Privacy Act of 1974.

### Information Purpose

The information requested is collected pursuant to the Government Code (sections 20000 et seq.) and will be used for administration of Board duties under the Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to comply may result in CalPERS being unable to perform its functions regarding your status. Please do not include information that is not requested.

### Social Security Numbers

Social Security numbers are collected on a mandatory and voluntary basis. If this is CalPERS' first request for disclosure of your Social Security number, then disclosure is mandatory. If your Social Security number has already been provided, disclosure is voluntary. Due to the use of Social Security numbers by other agencies for identification purposes, we may be unable to verify eligibility for benefits without the number.

Social Security numbers are used for the following purposes:

1. Enrollee identification
2. Payroll deduction/state contributions
3. Billing of contracting agencies for employee/employer contributions
4. Reports to CalPERS and other state agencies
5. Coordination of benefits among carriers
6. Resolving member appeals, complaints, or grievances with health plan carriers

### Information Disclosure

Portions of this information may be transferred to other state agencies (such as your employer), physicians, and insurance carriers, but only in strict accordance with current statutes regarding confidentiality.

### Your Rights

You have the right to review your membership files maintained by the System. For questions about this notice, our Privacy Policy, or your rights, please write to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811 or call us at 888 CalPERS (or 888-225-7377).

*CalPERS is governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811.*

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## INTRODUCTION

If you are planning to supplement your CalPERS pension by working after retirement, you need to know there are specific laws governing the type, timing, and amount of work you can accept without affecting your pension.

You should fully understand the rules surrounding employment after retirement and the consequences of unlawful employment. This publication is designed to help you navigate those rules and help you avoid these potential pitfalls:

- Termination of your monthly CalPERS retirement allowance
- Reinstatement from retirement
- Repayment of retirement benefits already received
- Payment of retroactive retirement contributions and interest
- Loss of cost-of-living increases
- Loss of golden handshake benefits

This publication also provides information about working for a CalPERS employer as an independent contractor, consultant, contract employee, or through a third-party employer, such as a temp agency. Additional CalPERS publications referenced within can be obtained on our website at [www.calpers.ca.gov](http://www.calpers.ca.gov) or by calling us at 888 CalPERS (or 888-225-7377).

## Terms and Definitions

The following table lists key terms and definitions used in this publication.

Term	Definition
Reinstatement	Returning from retirement status to active employment with a CalPERS employer. Your retirement allowance is terminated until you re-retire in the future. You and your employer also resume making retirement contributions, and you earn service credit.
CalPERS Retiree	An employee of a CalPERS employer who terminates active employment and receives a monthly CalPERS retirement allowance.
Retired Annuitant	A CalPERS retiree working as an at-will employee for a CalPERS employer without reinstating from retirement.
Termination of Retirement	The cancellation of your monthly retirement allowance.
Unlawful Employment	Retiree employment found to be in violation of the retirement law and regulations.

## Partial Service Retirement

An alternative to service retirement and working as a retired annuitant is partial service retirement. This benefit is available to full-time state miscellaneous, full-time state industrial, and full-time public agency employees whose employer contracts for this benefit. It works this way: With employer approval, an employee who meets the eligibility requirements can reduce his or her work time by at least 20 percent but not more than 60 percent and receive a retirement allowance for the balance.

For more information about partial service retirement, contact your employer and ask if they contract for this benefit and see our publication, *A Guide to Your CalPERS Partial Service Retirement* (PUB 14).

## Volunteering for a CalPERS Employer After Retirement

You may serve as a volunteer for a CalPERS employer after your retirement, in a position that is never paid. You cannot "volunteer" to work in any compensated position. In addition, you cannot "volunteer" to avoid meeting any of the working after retirement restrictions.

## Before You Retire

### 1. Apply for Retirement and Select a Retirement Date

Separation from employment alone is not considered retirement—you must submit a retirement application to CalPERS to complete the retirement process. You must stop working in all CalPERS-covered employment, including all full-time and part-time positions and any elected or appointed offices for which you have CalPERS membership. It is your responsibility to inform every CalPERS employer of your planned retirement date so that each employer can submit permanent separation information on your behalf. Your retirement date can be no earlier than the day after your last day on payroll with any CalPERS employer.

### 2. Determine your "Normal Retirement Age"

You will want to know how we define "normal retirement age" if you intend on working for a CalPERS employer after retirement; this age determines if you will be subject to the bona fide separation requirement. Federal tax law and California retirement law require a retiring member who is younger than normal retirement age on his or her retirement date to meet a bona fide separation in service before working after retirement for a CalPERS employer.



Normal retirement age for CalPERS purposes is the age listed in your retirement benefit formula. For example, age 55 for the 2% @ 55 formula, age 62 for the 2% @ 62 formula, and age 65 for the 1.25% @ 65 formula. If your retirement allowance is based on more than one formula, regardless of when that formula was earned, the oldest benefit formula age determines your normal retirement age.

To determine your normal retirement age, refer to your most recent CalPERS Annual Member Statement or contact CalPERS. If you have more than one benefit formula, the oldest age of all the benefit formulas is your normal retirement age. If you are younger than the age in that formula on your retirement date, please refer to the "Bona Fide Separation in Service Requirement" section on page 10.

To view your most recent Annual Member Statement, log in to your my|CalPERS account at [my.calpers.ca.gov](http://my.calpers.ca.gov).

## Restrictions on Post-Retirement Employment

State and federal laws provide specific employment restrictions for retirees who return to work with an employer in the same public retirement system from which they receive a benefit.

These restrictions are intended to prevent the "double-dipping" of a retiree receiving a monthly CalPERS retirement benefit while also receiving a salary from permanent or regular staff employment with a CalPERS employer. Retirees may work in retired annuitant positions only. See "Retired Annuitant Rules" beginning on page 9.

When applying for employment with any employer, it is your responsibility to:

- Ask if the employer contracts with CalPERS for retirement benefits.
- Inform the employer you are a CalPERS retiree (receiving a retirement benefit from CalPERS) and specify the type of retirement, whether service, disability, or industrial disability.
- Apply for retired annuitant positions only.

**You and the employer share equal responsibility to ensure your employment complies with the retirement law when hired and during the entire course of your employment.**

## Termination of Retirement (Reinstatement From Retirement) Due to Unlawful Employment

Any retiree employment found to be in violation of the retirement laws and regulations is unlawful employment. This will result in your mandatory reinstatement from retirement, retroactive to the date the unlawful employment began.

If reinstated, your retirement allowance (pension payments) will stop and you will be required to reimburse CalPERS the amount of retirement allowance you received during the period of unlawful employment. In addition, you will pay your employer the member contributions plus interest owed retroactive to your reinstatement date. The employer who unlawfully employed you will submit your member contributions and pay employer contributions plus interest owed retroactive to your reinstatement date.

When you re-retire, please be aware that your new retirement may not include the same benefits you had with your previous retirement. Reinstatement may result in a loss of medical coverage and adversely affect other benefits from your prior retirement, such as a golden handshake or reciprocity, if another system's final compensation was used to calculate your CalPERS allowance.

For information about voluntary reinstatement from retirement into active employment, review our publication *A Guide to CalPERS Reinstatement From Retirement* (PUB 37), which contains the application for reinstatement.

## POST-RETIREMENT EMPLOYMENT SCENARIOS

### Private Sector Employment

If you are a service retiree, you can work for a private industry employer not associated with any CalPERS employer without restrictions and continue to receive your CalPERS retirement allowance.

If you are a disability retiree, there are restrictions on the work you can do for a private industry employer. If you retired on a disability or industrial disability, be sure to review the "Disability Retirees – Additional Requirements and Restrictions" section beginning on page 16.

If you are either a service retiree or a disability retiree, and you want to work for a private sector employer who provides a service to a CalPERS employer, please see the section on "Independent Contractor Employment" beginning on page 14.

### Employment in Other Public Retirement Systems

If you are a service retiree, you can be employed in positions that qualify for membership in any other public retirement system without terminating your CalPERS retirement. This includes certificated (teaching) positions covered by the California State Teachers' Retirement System (CalSTRS). The 180-day wait period and bona fide separation requirements (both explained later) do not apply to CalSTRS-covered certificated positions or to positions in any other retirement system.

If you are a disability retiree, there are restrictions on working for an employer in a different public retirement system. See the section on "Disability Retirees – Additional Requirements and Restrictions" beginning on page 16.

### CalPERS/CalSTRS Election

CalPERS retirees cannot elect CalSTRS membership for CalPERS-covered classified positions per Government Code section 20309, which only applies to active CalPERS members.

### Employment in JRS II

For information about employment in positions that qualify for membership in the Judges' Retirement System II, please call (916) 795-3688.

## Working for a CalPERS Employer

If your post-retirement plans include working for a CalPERS employer, you have these options: reinstating from retirement, working as an independent contractor, or retired annuitant employment. Disability retirees have another option, which is to work in a permanent position under Government Code section 21232. If you retired on a disability or industrial disability, there are additional restrictions on the work you can do while retired. Please review the "Disability Retirees – Additional Requirements and Restrictions" section beginning on page 16 for information on that option.

### Voluntary Reinstatement From Retirement

You should only apply for and accept a **regular staff position** with a CalPERS employer if you are voluntarily reinstating from retirement, and you and the employer have completed the *Reinstatement From Service Retirement Application* form or the *Reinstatement From Disability/Industrial Disability Retirement Application* form. For more information about voluntary reinstatement from retirement into active employment, review the publication *A Guide to CalPERS Reinstatement From Retirement* (PUB 37), which contains the reinstatement application forms.

### Independent Contractor Employment

You can be lawfully employed by a CalPERS employer as an "independent contractor," as a "consultant," or as an "employee of a third-party employer," including your own business entity, if there is no common law employer-employee relationship between you and the CalPERS employer. Please see the section on "Independent Contractor Employment" beginning on page 14.

### Retired Annuitant Employment

A retired annuitant is a CalPERS retiree who works as an at-will employee of a CalPERS employer with certain restrictions so as not to jeopardize his or her retirement allowance (pension payments). As a retired annuitant, you do not accrue service credit or otherwise acquire any additional retirement benefits from the employment. If you intend to remain retired and work for a CalPERS employer, you should only apply for and accept a retired annuitant position. Appointment to any permanent or regular staff position (part- or full-time, intermittent, hourly, seasonal, on call, exempt from civil service, exempt from membership, etc.) requires reinstatement from retirement. This applies to all CalPERS member classifications (miscellaneous, safety, police, fire, etc.).

## RETIRED ANNUITANT RULES

There are two types of retired annuitant employment: "extra help" and interim (or acting) "vacant position" employment.

### Extra Help Positions

The retired annuitant employment restrictions for extra help positions are authorized by Government Code sections 7522.56, 21224, 21227, and 21229. You must meet the following restrictions:

- **Limited Duration Work.** You have skills needed to perform work of limited duration or your employment is needed during an emergency (such as floods, earthquakes, etc.) to prevent stoppage of public business. While these workloads may last more than one fiscal year, the employment should terminate when the limited duration work you were hired to perform is completed. Examples of work of limited duration are work to eliminate a backlog, work on a special project, and work that is in excess of what regular staff can do. You cannot be employed in any regular staff position such as "seasonal," "permanent intermittent," "exempt from civil service," "exempt from membership," "TAU," or any other "temporary" position other than a retired annuitant position.
- **Compensation.** The hourly pay rate you receive cannot be less than the minimum or exceed the maximum paid to other employees performing comparable duties as listed in the employer's publicly available pay schedule. Also, you cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. **There are no exceptions.**
- **960-Hour Limit.** The hours you work cannot exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined. **There are no exceptions to this limit.**

California State University (CSU) academic staff retirees can work as retired annuitant academic staff for CSU employers as authorized by Government Code sections 7522.56 and 21227. However, the hours worked for all CSU employers cannot exceed 960 hours in a fiscal year or 50 percent of the hours employed during the last fiscal year prior to retirement, **whichever is less.**

- **Unemployment Insurance Payments.** You cannot be appointed as a retired annuitant if you received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to your appointment date. Upon accepting employment, you must certify in writing to the employer that you comply with this requirement. See additional information in the section "Unemployment Insurance Payments" beginning on page 11.

## Vacant Positions

You may be appointed to an interim position by the governing body of an employer, as authorized by Government Code sections 7522.56 and 21221(h). The employment must meet all the requirements above for extra help positions and the following additional requirements below. Examples of these positions include city manager, police chief, fire chief, individual department head, director, CEO, etc.

- **Active Recruitment.** Before you are hired, the employer must have in place an active recruitment for a permanent replacement for the vacant position.
- **Limited Duration Work.** You can be hired only as an interim or acting appointment during the period of recruitment; you cannot work in a permanent capacity or for an indefinite period of time.
- **Single Appointment.** You can be appointed only once to the vacant position.
- **Compensation.** Your hourly pay rate cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule. As noted above, you cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.

## Eligibility Requirements for Retired Annuitants

In addition to the requirements above, all retirees must meet **both** of the following two requirements to be eligible to work for a CalPERS employer:

### 1) Bona Fide Separation in Service Requirement

You cannot be employed as a retired annuitant if you are younger than the "normal retirement age" on your retirement date, unless both of the following conditions are met:

- There was no verbal or written agreement to return to work as a retired annuitant between you and any CalPERS employer before you retired.
- There is a termination of employment (separation in service) for 60 days between your retirement date and the date your limited duration employment as a retired annuitant will begin.

All retirees who are under normal retirement age at retirement must meet the bona fide separation in service requirement even if an exception to the 180-day wait period applies (see next page). These two requirements may be served concurrently. The only exception to this restriction is for employment due to the specific emergency conditions as defined in Government Code section 8558. This bona fide separation requirement is in California retirement law and regulations to comply with Internal Revenue Code tax regulations.

Normal retirement age is the oldest age listed in your retirement benefit formulas.

## 2) 180-Day Wait Period Requirement

You cannot be employed as a retired annuitant for a period of 180 days after your retirement date, unless you qualify for one of the following exceptions. The 180-day wait period begins on your retirement date.

### Exceptions

- Before you begin work, your employer must certify the nature of the employment and that the appointment is necessary to fill a critically needed position sooner than 180 days. The appointment must be approved by the employer's governing body, in a public meeting, and must be approved as an action item, rather than on a consent calendar.
- You will participate in the California State University's (CSU) Faculty Early Retirement Program (FERP) pursuant to a collective bargaining agreement with CSU that existed prior to January 1, 2013, or has been included in subsequent agreements.
- You are a retired firefighter or retired public safety officer as defined in Government Code section 3301 (peace officer) who will perform firefighter or peace officer retired annuitant work.
- You are a CalSTRS retiree who is subject to sections 24212, 24214.5, or 26812 of the Education Code. Call CalSTRS at (800) 228-5453 for more information.

The 180-day wait period applies without exception if you receive a golden handshake or any other employer incentive to retire.

## State Employer Civil Service Eligibility Requirement

Retired annuitant employment with a state agency is limited to retirees who have civil service eligibility from previous state agency employment or who qualify for appointment under an applicable civil service employment list. Visit the California Department of Human Resources website at [www.calhr.ca.gov](http://www.calhr.ca.gov) for more information. Retired State of California employees can apply for retired annuitant positions via the Boomerang website at [boomerang.ca.gov](http://boomerang.ca.gov).

## Unemployment Insurance Payments

California law prohibits appointment of a retired annuitant by a CalPERS employer if, during the 12-month period before an appointment, you received unemployment insurance compensation for prior retired annuitant employment with any CalPERS employer. Upon accepting employment, you must certify in writing to the employer that you comply with this requirement.

If you are working as a retired annuitant and it is discovered that during the previous 12 months you were paid unemployment insurance compensation based on prior retired annuitant employment with any CalPERS employer,

your employment must be terminated on the last day of the current pay period. You will not be eligible for appointment as a retired annuitant with any CalPERS employer for 12 months following the termination date of the current employment. Violation of this unemployment insurance compensation restriction does not result in mandatory reinstatement from retirement.

## Exceptions to Retired Annuitant Requirements

### Elected or Appointed Offices

You can serve in an elected or appointed office after retirement without reinstatement from retirement. However, if you serve without reinstatement and part or all of your retirement allowance is based on service in that elected or appointed office, the portion of your allowance based on service in that office must be suspended for your time in office. When you leave office, your allowance will be unsuspended going forward.

If you wish to earn additional CalPERS service credit for your time in the elected or appointed office and that office is subject to CalPERS membership, you must reinstate from retirement.

If you are serving in an elected or appointed office for which you have CalPERS membership and wish to retire before your term expires, you must resign from that office.

### Special State Appointments

#### *Part-Time Member of State Board or Commission – CalPERS Retirees and Non-CalPERS Retirees*

You can serve without reinstatement from retirement as a salaried part-time member of a state board or commission, where part-time is defined as an appointment with a salary of no more than \$60,000 annually, which will be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase cannot exceed the percentage of the general salary increases provided for state employees during that fiscal year. You acquire no benefits, service credit, or retirement rights from this employment.

#### *Full-Time Member of State Board or Commission – CalPERS Retirees*

You can serve without reinstatement from retirement as a non-salaried full-time member of a state board or commission. You may receive only per diem authorized to all members of the board or commission. You do not earn any service credit or benefits in CalPERS, or make any CalPERS contributions. If you accept the salary, you must reinstate from retirement.



*Full-Time Member of State Board or Commission –*

*Non-CalPERS Retirees*

If you receive retirement from a public retirement system other than CalPERS, you can serve as a non-salaried full-time member of a state board or commission and continue to receive your retirement allowance in addition to any per diem authorized to all members of the board or commission. If you accept the salary, you must suspend your retirement benefit from the other system and enroll as a new member of CalPERS. Upon retirement (1) the pensionable compensation earned from the service on this board or commission will not be eligible for reciprocity with any other retirement system or plan, and (2) you will be entitled to future reinstatement of any suspended benefits, including employer-provided retiree health benefits, for which you were entitled at the time of appointment to the board or commission.

*Full-Time Commissioner of the State Board of Parole Hearings or*

*Full-Time Commissioner of the State Board of Juvenile Hearings –*

*CalPERS Retirees and Non-CalPERS Retirees*

If you are appointed as a full-time commissioner of the California Board of Parole Hearings or the California Board of Juvenile Hearings, you may serve without reinstatement from retirement, and without loss or interruption of benefits provided by the retirement system. These appointments are made by the Governor and require confirmation by the California Senate.

## INDEPENDENT CONTRACTOR EMPLOYMENT

You can be lawfully employed by a CalPERS employer as an "independent contractor," as a "consultant," or as an "employee of a third-party employer," including your own business entity without restrictions, if there is no common law employer-employee relationship between you and the CalPERS employer. If a common law employer-employee relationship exists, the employment is subject to the retired annuitant restrictions even if the employment agreement claims to be for an independent contractor. If the work you will perform is the same or similar to work you performed as an active employee or is work performed by an active employee of that employer, an employer-employee relationship exists and the employment is subject to the retired annuitant restrictions.

If you work as a supposed independent contractor and are later determined to be an employee and that employment violates any of the retired annuitant restrictions, your retirement will be terminated. See "Termination of Retirement Due to Unlawful Employment" on page 6 for details.

### Independent Contractor, Consultant, Third-Party Employee

Independent contractors are not "employees" and are excluded from membership in CalPERS by Government Code section 20300(b). A true independent contractor, consultant, or third-party employee is someone who contracts to provide a service or complete a task according to his or her own methods. This person is not subject to the contracting entity's control as to the end product, final result of work, or manner and means by which the work is performed. We use the "common law control test" as a guide to determining independent contractor status. Many factors are considered, including the manner and means by which the work is accomplished. We will request and use all relevant information that provides evidence of the degree of control of the work being performed to make a determination.

### Contract Employee

A "contract employee" is a common law employee who periodically signs an employment contract. If you are hired as a contract employee after retirement, that employment must meet all of the retired annuitant restrictions, including that you must be hired in a retired annuitant designated position.

The common law control test is a guide to determine whether a worker should be classified as an employee or an independent contractor.

## Statutory Employee

You cannot be hired as an independent contractor or as an employee of a third-party employer for a position established by statute, city charter, or municipal code. Examples of these positions are city manager, police chief, fire chief, etc.

## Independent Contractor Determination

To ensure a proposed employment agreement or position is a true independent contractor position, we recommend you obtain an independent contractor determination from CalPERS **before** you begin any such employment.

If you would like us to review your proposed independent contractor service agreement, please send the complete agreement by mail, email, or fax as below. We will review the contract within 60 days.

### Mail:

Employer Account Management Division  
P.O. Box 942709  
Sacramento, CA 94229-2709

Email: [Membership\\_Reporting@calpers.ca.gov](mailto:Membership_Reporting@calpers.ca.gov)

Fax: (916) 795-4166

## DISABILITY RETIREES – ADDITIONAL REQUIREMENTS AND RESTRICTIONS

In addition to being subject to all the rules and restrictions mentioned on the previous pages, disability and industrial disability retirees are subject to additional eligibility requirements.

Your disability retirement requires you to inform CalPERS immediately if you are no longer incapacitated, or if you are currently employed in a position similar to the job from which you retired.

### Working in the Private Sector After Disability Retirement

If you are a disability retiree, you can work for a private industry employer not associated with any CalPERS employer and continue to receive your CalPERS retirement allowance with the following restrictions:

- Your employment must be in a position significantly different from the one from which you retired. The position should not include duties or activities you were previously restricted from performing at the time of your retirement.
- If you are a disability retiree under the minimum service retirement age (50, 52, or 55), your retirement benefit will be subject to an earnings limit. You are required to report your employment earnings to CalPERS either on a monthly or quarterly basis. The total employer-paid portion of your monthly retirement allowance and your new earnings cannot be greater than the current compensation of the position from which you retired. If the total is greater, your retirement allowance will be reduced. Call us toll free at 888 CalPERS (or 888-225-7377) to request a *Disability Retiree's Report of Earnings* form.
- **Note:** If you are an **industrial** disability retiree, your retirement allowance is not subject to an earnings limit, even if you are under the minimum service retirement age.
- If you are under the minimum service retirement age and are performing duties similar to those from which you were previously found disabled, CalPERS can re-evaluate your medical condition to determine whether you should be reinstated from retirement.

## Working in Other Public Retirement Systems After Disability Retirement

If you are a disability retiree, you can work for an employer in a different public retirement system and continue to receive your CalPERS retirement allowance with the following restrictions:

- Your employment must be in a position significantly different from the one from which you retired. The position should not include duties or activities you were previously restricted from performing at the time of your retirement.
- If you are a disability retiree under the minimum service retirement age (50, 52, or 55), your retirement benefit will be subject to an earnings limit. You are required to report your employment earnings to CalPERS either on a monthly or quarterly basis. The total employer-paid portion of your monthly retirement allowance and your new earnings cannot be greater than the current compensation of the position from which you retired. If the total is greater, your retirement allowance will be reduced. Call us toll free at 888 CalPERS (or 888-225-7377) to request a *Disability Retiree's Report of Earnings* form.
- **Note:** If you are an **industrial** disability retiree, your retirement allowance is not subject to an earnings limit, even if you are under the minimum service retirement age.
- If you are under the minimum service retirement age and are performing duties similar to those from which you were previously found disabled, CalPERS can re-evaluate your medical condition to determine whether you should be reinstated from retirement.

## Working for a CalPERS Employer as a Retired Annuitant After Disability Retirement

If you are a disability retiree, you can be employed as a retired annuitant. However, your employment must also be in a position significantly different from the one from which you retired. The position should not include duties or activities you were previously restricted from performing at the time of your disability retirement.

## Working for a CalPERS Employer in a Permanent Capacity After Disability Retirement

Under Government Code section 21232, disability or industrial disability retirees may seek permanent employment while receiving retirement benefits with CalPERS' pre-approval. However, certain restrictions apply. Your job duties must differ significantly from those required in the position from which you retired. The position should not be the same position from which you retired or in the same member classification, and the position should not include duties or activities you were restricted from performing at the time of your retirement. If you are approved to work, you will be required to report your earnings to CalPERS and your retirement allowance will be subject to an earnings limit.

To be eligible for employment, you must first meet the following requirements (refer to specific sections in this publication):

- The bona fide separation requirement, if applicable
- The 180-day wait period requirement or an allowable exception
- No receipt of unemployment insurance payments for previous retired annuitant employment for 12 months before the appointment
- State Employer Civil Service Eligibility for employment with a state agency employer

### Applying to Work Under Government Code Section 21232

You must have CalPERS' written approval before beginning employment. To request approval to work for a CalPERS employer in a permanent part-time or full-time position while receiving disability or industrial disability benefits, you must submit the following required documents to CalPERS:

- *Request to Work While Receiving Disability/Industrial Disability Retirement Benefits* form
  - You complete and sign Section 1.
  - Your prospective employer completes and signs Section 2.
- *Physical Requirements of Position/Occupation Title* form
  - You and your prospective employer must complete all sections and sign jointly.
- **Position duty statement**
  - Submit to CalPERS a position duty statement provided by your prospective employer that describes the permanent position in which you wish to work.

- **Current medical report(s)**
  - You must schedule an appointment with a specialist for the disabling condition(s) that precluded you from working, and you must provide the specialist with a copy of the position duty statement and the completed *Physical Requirements of Position/Occupational Title* form.
  - Provide to CalPERS a current medical report from that specialist. If you had more than one disabling condition at the time of retirement, you must provide a medical report on appropriate letterhead from each medical specialist. The specialist(s) must include the following pertinent information in their medical report:
    - Your name and the date of the most recent examination.
    - Confirmation that the specialist reviewed and discussed with you the position duty statement (by title) and the *Physical Requirements of Position/Occupational Title* form.
    - Whether you have any limitations or restrictions to performing all tasks involved.
    - Specific details explaining the restrictions, if any.
    - Specialist's signature, printed name, medical specialty, and contact information.
- **Additional medical report(s) – local safety retirees**
  - If you are a local safety disability or local safety industrial disability retiree, you must also submit the medical documentation used at the time of your retirement identifying the restrictions placed upon you. You must also submit a position duty statement describing the position you held when you became disabled.
- *A Physician's Report on Disability* form is not required.

All the forms are available on our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

For CalPERS to begin the determination process, which can take approximately three months to complete, you must submit all required documents with your request form. There are times when we may require additional information or an independent medical examination to supplement your medical specialist's report. If so, we will select the medical specialist, schedule the appointment, and pay for the examination.

All permanent employment under Government Code section 21232 requires approval prior to employment; there are no exceptions. If you violate this law, you and your employer will be responsible for the unlawful employment. This could result in your mandatory reinstatement from retirement into the current position, whether or not the permanent position is part time or full time. See "Termination of Retirement Due to Unlawful Employment" on page 6 for details.

#### **Once Approved Under Government Code Section 21232**

Retirees approved to work under Government Code section 21232 do not accrue service credit or otherwise acquire retirement rights for employment as a retiree.

You will be informed of the amount of your earnings limit and how to report your earnings. The total employer-paid portion of your monthly retirement benefit and your new earnings cannot be greater than the current compensation of the position from which you retired. If it is greater, your retirement benefit will be reduced. The earnings limitation continues as long as you are employed in the approved position; it does not end when you reach your service retirement age.

If you wish to change to a different employer, change job location, change to a different job (demotion, reclassification, lateral transfer, promotion, etc.), or restart employment in a previously approved position, you must reapply to CalPERS and await our approval before beginning employment. If you do not receive prior approval, you will be considered unlawfully employed and subject to reinstatement, i.e., termination of retirement. There are no exceptions to this requirement.



## BECOME A MORE INFORMED MEMBER

### CalPERS Website

Visit [www.calpers.ca.gov](http://www.calpers.ca.gov) for information on all our benefits and services.

### my|CalPERS

Log in at [my.calpers.ca.gov](http://my.calpers.ca.gov) to access real-time details and balances of your CalPERS accounts. With my|CalPERS you can:

- View, print, and save current and past statements.
- Select mailing preferences for your statements, newsletters, and retirement checks.
- Search for medical premium rates and health plans available in your area and confirm which dependents are covered on your health plan.
- Estimate your future retirement benefit and save the estimates to view later.
- Send and receive secure messages.
- Order and download publications.
- Send account information to third parties, such as banks.
- Apply for service retirement.
- Change your beneficiary designation.
- Retirees can update contact information, set up direct deposit, and change tax withholdings.

### CalPERS Education Center

Whether you're in the early stages of your career or getting ready to retire, visit the CalPERS Education Center in my|CalPERS to:

- Take online classes that help you have a better understanding of your CalPERS benefits.
- Register for instructor-led classes at a location near you.
- Download class materials and access information about your current and past classes.
- Schedule a one-on-one appointment with a representative at your nearest CalPERS Regional Office.

### Experience CalPERS Through Social Media

- Facebook: [www.facebook.com/myCalPERS](http://www.facebook.com/myCalPERS)
- Twitter: [www.twitter.com/CalPERS](http://www.twitter.com/CalPERS)
- Instagram: [www.instagram.com/CalPERS](http://www.instagram.com/CalPERS)
- YouTube: [www.youtube.com/CalPERSNetwork](http://www.youtube.com/CalPERSNetwork)
- LinkedIn: [www.linkedin.com/company/calpers](http://www.linkedin.com/company/calpers)

### Reach Us by Phone

Call us toll free at **888 CalPERS** (or 888-225-7377).  
Monday through Friday, 8:00 a.m. to 5:00 p.m.  
TTY: (877) 249-7442

## **Visit Your Nearest CalPERS Regional Office**

### **Fresno Regional Office**

10 River Park Place East, Suite 230  
Fresno, CA 93720

### **Glendale Regional Office**

Glendale Plaza  
655 North Central Avenue, Suite 1400  
Glendale, CA 91203

### **Orange Regional Office**

500 North State College Boulevard, Suite 750  
Orange, CA 92868

### **Sacramento Regional Office**

Lincoln Plaza East  
400 Q Street, Room 1820  
Sacramento, CA 95811

### **San Bernardino Regional Office**

650 East Hospitality Lane, Suite 330  
San Bernardino, CA 92408

### **San Diego Regional Office**

7676 Hazard Center Drive, Suite 350  
San Diego, CA 92108

### **San Jose Regional Office**

181 Metro Drive, Suite 520  
San Jose, CA 95110

### **Walnut Creek Regional Office**

Pacific Plaza  
1340 Treat Boulevard, Suite 200  
Walnut Creek, CA 94597

**Visit the CalPERS website for directions to your local office.**

**Regional Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.**

# CITY COUNCIL

October 9, 2018

**TO: Mayor and City Council**

**FROM: Craig C Platt Public Works Director**

**SUBJECT: City Engineer Position and Job Description**

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## **BACKGROUND**

The City of California City strives to support and enhance a higher quality of life for the residents, businesses and visitors by providing well planned, environmentally sensitive, cost effective infrastructure and services to promote public health, personal safety and transportation. Our mission is to improve the quality of life for residents through responsive, efficient, and effective delivery of services to every neighborhood and by reflecting a can-do attitude with our customers and stakeholders.

The Public Works Department is responsible for the engineering, permitting, maintenance and operation of the City's infrastructure, including: streets, sidewalks, roadway medians, alleys, traffic signals, water, sanitary sewer etc. The Department also manages maintenance and public service programs such as graffiti abatement, tree trimming, street sweeping, trash and recycling services, parks and street maintenance, and utilities and facilities maintenance. In addition, the Department Manages a capital improvement program that provides roadway rehabilitation, water and sanitary sewer and capital parks projects etc.

## **The Position**

The City Engineer (Civil Engineer) is responsible for planning, directing, supervising and reviewing the activities of the Public Works Engineering Division, which includes contract engineering services and to provide professional and technical staff assistance that directly supports the Public Works Director. The City Engineer will manage division operations and projects and supervise professional and technical engineering oversight and serve as an important advisor to the Director.

This position will be required to work traditional and non-traditional hours including nights, early mornings, weekends, and holidays based on events, council meetings, and commission meetings.

In 2017-2018 the department spent over \$179,906 in departmental contract engineering services. State and Federal projects will still be managed by a contract engineer to meet State and Federal guidelines.

**NB 5.**

**RECOMMENDATION**

Staff recommends the city council authorize the position of City Engineer and approve the job description.

**FISCAL IMPACT**

\$118,197 includes salary and Benefits - \$42.48 per hour Range 60 Step 1

This is an Exempt position.

**ATTACHMENTS**

City Engineer Job Description

CITY OF CALIFORNIA CITY

JOB DESCRIPTION

**City Engineer  
(Civil Engineer)  
100218**

**EMPLOYMENT**

**CLASSIFICATION:** Management/Exempt

**DEPARTMENT:** Public Works

**REPORTS TO:** Public Works Director

**PURPOSE/OBJECTIVE:**

The City Engineer plans, organizes, directs and participates in the development, operation and maintenance of the City's Engineering and public works project management work, activities and functions; and takes a leadership role in implementation of the goals and objectives of the Public Works Department.

**SUPERVISION RECEIVED AND EXERCISED**

The City Engineer receives administrative direction from a department director.

The position may exercise direct supervision over division heads, professional and technical staff.

**ESSENTIAL DUTIES:**

Essential and other important responsibilities and duties may include, but are not limited to, the following:

Develop and implement department goals, objectives, policies and priorities.

Plan, program and direct all City activities involving civil engineering, land surveying, project management, and construction; closely coordinate this work with input from other departments and divisions within the City.

Supervise and participate in a variety of professional engineering work, including the preparation of plans and project specifications; direct and/or coordinate project inspections; draft ordinances according to general instruction.

Supervise and participate in the review of plans; evaluate compliance with laws, ordinances, and acceptable engineering standards, and recommend corrections or improvements; supervise the preparation of legal descriptions and deeds for easements and rights-of-way; approve and sign tentative and final subdivision maps.

Prepare and evaluate requests for proposals relating to projects requiring contract engineering work; direct the preparation of project cost estimates for competitive bidding purposes; review plans of consulting/engineering firms performing work for the City and evaluate performance; perform construction contract modifications and negotiate contract changes and change order costs.

Compile and analyze statistical data and prepare technical reports relating to public works projects and programs; assist in the preparation of cost projects for the department budget and monitor expenditures.

Make presentations to City committees, commissions and City Council.

Investigate, analyze and apply for various grants and other funding sources.

Supervise department staff; train and evaluate employees; initiates and carries out appropriate disciplinary actions.

Advise the City Manager, Director of Public Works, and others on the planning and implementation of civil engineering, construction or related activities.

Establish and maintain systems and procedures for professional and construction contract control and administration.

Act on behalf of the department as required.

Assists the Director of Public Works on various administrative projects.

Perform related duties as assigned.

#### **EXPERIENCE & TRAINING / LICENSE AND/OR CERTIFICATE**

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities **would be:**

##### **Experience:**

Five years of progressively responsible experience in civil or other applicable engineering field including two years' experience in a responsible administrative or management capacity.

##### **Training:**

A Bachelor's degree from an accredited college or university with major coursework in civil engineering or a closely related field.

##### **LICENSE OR CERTIFICATE**

Possession of a certificate of registration as a Professional Civil Engineer issued by the California State Board of Registration for Professional Engineers or the ability to obtain within six months.

Possession of a certificate of registration as a licensed land surveyor issued by the California State Board of Registration for Professional Engineers or pre-1982 Civil Engineer is highly desirable.

Possession of, or ability to obtain, a valid California driver license and legally required vehicle insurance. Must also be able to meet driving record standards set by the city's driving policy.

#### **MINIMUM QUALIFICATIONS**

Knowledge of:

1. Engineering principles, methods, and practices as applied to public works, traffic, and utilities, including planning and development, design and construction.
2. Identification and use of various funding sources as they relate to the development of a Capital Improvement Plan.
3. Techniques for reviewing designs, plans, specifications, estimates, reports and recommendations related to public works projects.
4. Land development, particularly as it relates to Federal, State and local laws or regulations and to City procedures affecting engineering activities.
5. Principles and laws governing public works contract administration, land use, public safety and land division.
6. Practices and procedures of municipal public works management.
7. Principles of research and effective report preparation.
8. Construction methods and materials.
9. Principles of personnel management.
10. Budget preparation and administration.

Ability to:

1. Explain City practices and objectives to appropriate public and private agencies, organizations and individuals.
2. Interpret and coordinate complex, inter-disciplinary information originating from within the City or from outside public or private sources.
3. Research and prepare complex engineering reports.
4. Review and check complex engineering designs, computations, plans and studies.
5. Plan, direct and coordinate engineering and capital improvement programs and manage the Engineering Division within the Public Works Department, as well as other related divisions.
6. Select, train, supervise and evaluate employees.
7. Represent the City, Department and/or Director in a variety of meetings.

8. Make sound and effective decisions regarding operational and personnel functions.
9. Operate programs within allocated amounts; plan and enforce a balanced budget.
10. Respond to emergency and problem situations in an effective manner.
11. Understand, explain and apply policies and procedures.
12. Analyze unusual situations and resolve them through application of management and engineering principles and practices.
13. Communicate clearly and concisely, both orally and in writing.
14. Develop comprehensive plans to meet future City needs/services.
15. Deal constructively with conflict and develop effective resolutions.
16. Develop new policies impacting divisional operations/procedures.
17. Attend meetings and/or events on evenings and/or weekends.
18. Perform other related duties as required.
19. Must successfully complete a pre-employment physical, drug screening and live scan.

TOOLS & EQUIPMENT USED -- Personal computer, including word processing, spreadsheets, database and computer aided-design software; standard drafting tools; surveying equipment; traffic counting equipment; motor vehicle; phone; mobile radio.

WORK ENVIRONMENT The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of the job. Temperature/weather: Exposure to all types of weather conditions, from extreme heat to extreme cold. May be exposed to violent acts of nature such as heavy rain and flooding, blowing sand, high wind, wind chill. May work near mechanical equipment and in excavations or traffic.

#### PHYSICAL REQUIREMENTS:

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional climbing, bending and squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. Environmental: frequent exposure to noise.



#### WORKING CONDITIONS:

Temperature/weather: Exposure to all types of weather conditions, from extreme heat to extreme cold. May be exposed to violent acts of nature such as heavy rain and flooding, blowing sand, high wind, wind chill.

Positions may require long hours, weekend work and travel.



# CITY COUNCIL

October 9, 2018

**TO: Mayor and City Council**

**FROM: Joe Barragan Building Official**

**SUBJECT: New Position for a Part-time Janitor**

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## **BACKGROUND:**

Staff solicited request for proposal (RFP) from interested vendors to provide custodial services for the various city buildings. Several responded and went on the tour of city facilities however; the current vendor was the only one to submit a bid and the cost for the services were prohibitive. When City Staff contacted our current vendor with the results of their RFP and the City's response to their RFP, they informed the City that at the current rates the Vendor was losing money when they provided services to the City. The City and the Vendor agreed to end the contract for services. Consequently, we are recruiting for a part-time (20 hours per week) employee to perform the work at all city facilities.

As shown in the attachments the single bid submitted by Martha's Cleaning Service would total \$79,810.00 annually. The cost of hiring a part-time janitor would be between \$15,337.00 and \$18,955.00.

## **RECOMMENDATION:**

The City Council approve the new position and job description.

## **ATTACHMENTS:**

1. Job Description
2. Employee Cost
3. Bid Results
4. RFP from Martha's Cleaning Services

**FISCAL IMPACT:** None

**ENVIRONMENTAL ACTION:** N/A

*The Finance Department has reviewed the staff report and finds the recommendations to be within the budget constraints of the Department.*

**CITY OF CALIFORNIA CITY**  
**JOB DESCRIPTION**  
**JANITOR**  
**Code: 1012018**  
**Part Time**

**DEPARTMENT:** Administration  
**Type:** Hourly Non-Exempt  
**REPORTS TO:** Senior Building Official

**PURPOSE/OBJECTIVE OF JOB:** The purpose of this position is to perform cleaning services for City Hall, Police Department, Sr. Center, Scout Lodge, West Way Station, Arts and Community Center and the Pool House. Under general supervision, performs physical work in a combination of semiskilled and unskilled work.

**LEVEL OF SUPERVISION REQUIRED:** Direct.

**SUPERVISORY RESPONSIBILITIES:** None

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**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The duties will be completed weekly and monthly as described below:

**Weekly**

Empty trash receptacles

Spot clean all walls, switches, doors signs and directions

Vacuum clean walk off mats

Dust mop all laminate flooring, vacuum carpet in all carpeted areas including office areas.

Dust all reachable areas

Check and stock hand sanitizer and fill all soap dispensers, fill paper towel dispensers.

Dust and damp wipe information desk surfaces and security tables

Dust and spot clean furniture, fixtures, telephones, seals/emblems, equipment, Podium located in the chambers, clean Council members seating area, and City clerk's seating area.

Dust and damp wipe window sills

Clean door's glass doors both sides and clean the frames.

Wipe down all downs including door knobs and edges.

Clean all bathrooms to include; floors, stalls, mirrors, doors, urinals, sinks, wipe around faucets and clean sinks.

Clean the water fountain basin located in the lobby of City Hall.

Clean/extract walk off mats

Empty trash receptacles from lobby and office areas.

**Monthly**

Vacuum and clean window sills and floor corners and baseboards (both).  
Clean the refrigerator inside and out and throw away all items in the refrigerator that are expired or do not have initials and a date on the container.

**Position Requirements:**

Dependable

One year of janitorial experience in an office building.

Understand how to read Safety Data Sheets and labels on cleaning products.

Must wear protective equipment when required.

Use of cannister vacuum cleaners.

Must understand how to mix and use cleaning chemicals.

Ability to read and comprehend simple instructions, short correspondence, and memos.

Ability to write simple correspondence. Ability to effectively present information in one on one situations and must not share information from any written, or verbal correspondence.

Must successfully complete a pre-employment physical, drug test and live scan (Criminal background check)

**Physical requirements:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is regularly required to:

Stand; walk; use hands to finger, handle, or feel; reach with hands and arms; stoop, kneel, crouch, or crawl and talk or hear.

The employee is frequently required to climb or balance using a ladder. The employee must frequently lift and/or move up to 50 pounds. Specific vision abilities required by this job include Close vision, Distance vision and Ability to adjust focus with or without reasonable accommodation.

Veterans/EEOC/ADA

**PART TIME JANITOR SALARY SCALE**

18	1	13.11	1048.80	2272.40
	2	13.77	1101.24	2386.02
	3	14.45	1156.30	2505.32
	4	15.18	1214.12	2630.59
	5	15.94	1274.82	2762.12
	6	16.73	1338.56	2900.22

Wages, Benefits, and Supplies for Part-time Janitor											
Position	%	Wage	Hrs per yr	Med	Caf	Pers	Unemp	WC	Fringe Benefits	Total	Hourly rate w/ Benfits
Part-time Janitor	100%	\$ 13.11	975.00	\$ 185.00	-	n/a	\$ 434.00	\$ 135.00	-	\$ 13,537.00	\$ 13.88
Supplies and Equipment										\$ 1,800.00	
Total										\$ 15,337.00	
Part-time Janitor	100%	\$ 16.73	975.00	\$ 237.00	-	n/a	\$ 434.00	\$ 173.00	\$ -	\$ 17,155.00	\$ 17.59
Supplies and Equipment										\$ 1,800.00	
Total										\$ 18,955.00	

## Recap of Bid for Janatorial Services

<u>Building</u>	<u>Initial Cost</u>	<u>Weekly Cost</u>	<u>Monthly Cost</u>	<u>Total Yearly Cost</u>
City Hall	\$1,100.00	\$350.00	\$650.00	
Subtotal	\$1,100.00	\$18,200.00	\$7,800.00	\$27,100.00
Police Department	\$925.00	\$350.00	\$600.00	
Subtotal	\$925.00	\$18,200.00	\$7,200.00	\$26,325.00
Senior Center	\$525.00	\$175.00	\$445.00	
Subtotal	\$525.00	\$9,100.00	\$5,340.00	\$14,965.00
Scout Lodge	\$500.00	\$165.00	\$195.00	
Subtotal	\$500.00	\$8,580.00	\$2,340.00	\$11,420.00
Total	\$3,050.00	\$54,080.00	\$22,680.00	\$79,810.00

## MARTHA'S CLEANING SERVICE

P.O Box 2238

California City, CA. 93504

September 24,2018

California City Hall

21000 Hacienda Blvd

California City, Ca. 93535

This will serve as our contract agreement for the cleaning of  
California City, City Hall building.

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Martha's Cleaning will provide the following services per your request on  
weekly, monthly and twice a year.

Weekly cleaning services will provide the following: vacuum all of carpet areas, clean and sanitize all the surfaces of 3 bathrooms( toilets, urinals, sinks, mirrors walls, paper and soap dispensers, partitions and floors) re-fill soap, toilet paper, hand towels. Dust and wipe the cleared areas of all desks, computers, counters, file cabinets, partitions between cubicles and chairs, collect and separate all of the trash and deposit in their corresponding bins in approximately of the 20 offices and cubicles. Cleaning the front and back double glass doors, the front lobby customers service windows and counters as well as chairs, wiping all tables and podium in the conference room. Cleaning the cleared areas of inside windows.

Wiping all of the switches plaques and door handles.

Kitchen: sweeping and mopping floor cleaning refrigerator on the outside, table, sink and cabinets.

Storage room: dust, wiping, sweep, mop



Fees will be as follow:

Weekly cleaning all of the above \$350.00

First initial cleaning all of the above plus all outside windows, light fixture, baseboard and approximately 42 air vents. \$1,100.00

Monthly outside windows \$200.00

Monthly or as requested light fixtures \$100.00

Monthly or as requested approximately 42 vents \$350.00

Twice a year carpet shampoo cost to be determined according to desired area size, at cost of 0.47 cents per square foot.

Stripped and wax floors twice a year cost to be determined according to desired area size, at cost of 0.60 cents per square foot.

Martha's cleaning will provide all of the cleaning supplies and equipment.

Customer will provide all of the following items ( toilet paper and hand paper towels, trash bags, hand soap or any other accessory.

Thank you for taking the time to review this proposal. I am available anytime to answer additional questions.  
661-202-0746

Thank you Respectfully

A handwritten signature in cursive script, appearing to read 'Martha Pinal', written in dark ink.

Martha Pinal

# MARTHA'S CLEANING SERVICE

P.O Box 2238

California City, CA. 93504

September 24,2018

California City Hall

21000 Hacienda Blvd

California City, Ca. 93535

This will serve as our contract agreement for the cleaning of  
California City, Police department

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Martha's Cleaning will provide the following services per your request on  
weekly, monthly and twice a year.

Weekly cleaning will be as follow:

Clean and sanitize the 8 bathrooms and 2 shower surfaces ( toilets, sinks,  
walls, floors, mirrors, urinals, paper and soap dispensers) refill paper and  
soap dispensers.

Vacuum all of the carpeted areas that would be accessible to us. Cleaning  
floors, cabinets and countertop in the kitchen . Cleaning of front double  
glass doors, lobby windows and entry door to the department.

Collect and dispose of all of the trash in the areas accessible to us, wipe and  
dust all cleared areas of desk, computers and office equipment accessible to  
us, wipe tables and chairs in meeting room. Cleaning of the jail area cells.  
Cleaning of outside glass wall of dispatch. Cleaning counters, tables, chairs  
in all the rooms showed to us.

Wiping all of the switches plaques and door handles.

Fees will be as follow:

Weekly cleaning all of the above \$350.00

First initial cleaning all of the above plus all outside windows, light fixture and baseboard. \$925.00

Monthly outside windows \$350.00

Monthly or as requested light fixture \$250.00

Twice a year carpet shampoo cost to be determined according to desired area size, at cost of 0.47 cents per square foot.

Stripped and wax floors twice a year cost to be determined according to desired area size, at cost of 0.60 cents per square foot.

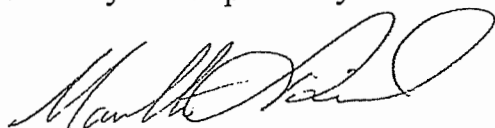
Martha's cleaning will provide all of the cleaning supplies and equipment.

Customer will provide all of the following items ( toilet paper and hand paper towels, trash bags, hand soap or any other accessory.

Thank you for taking the time to review this proposal. I am available anytime to answer additional questions.

661-202-0746

Thank you Respectfully

A handwritten signature in cursive script, appearing to read 'Martha Pinal', written in black ink.

Martha Pinal

# MARTHA'S CLEANING SERVICE

P.O Box 2238

California City, CA. 93504

September 24,2018

California City Hall

21000 Hacienda Blvd

California City, Ca. 93535

This will serve as our contract agreement for the cleaning of  
California City, Mable Davis Senior Center

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Martha's Cleaning will provide the following services per your request on  
weekly, monthly and twice a year.

Weekly cleaning will be as follow:

Vacuum the carpeted areas. Clean and sanitize the 3 bathrooms ( toilets,  
sinks, walls, floors, mirrors, urinals, paper and soap dispensers) refill paper  
and soap dispensers.

Sweep and mop dinning room and hall way. Wipe tables, counters, chairs,  
piano and furniture in dinner room. Wipe and dust cleared areas of desks  
and tables in the office, pool table room, television room.

Collect and dispose of all of the trash.

Cleaning of the accessible areas of inside windows.

Wipe clean the coffee counter area.

Clean inside and out of front and side doors.

Wiping all of the switches plaques and door handles.

Fees will be as follow:

Weekly cleaning all of the above \$175.00

First initial cleaning all of the above plus all outside windows, light fixture and baseboard. \$525.00

Monthly outside windows \$245.00

Monthly or as requested light fixture \$200.00

Twice a year carpet shampoo cost to be determined according to desired area size, at cost of 0.47 cents per square foot.

Stripped and wax floors twice a year cost to be determined according to desired area size, at cost of 0.60 cents per square foot.

Martha's cleaning will provide all of the cleaning supplies and equipment.

Customer will provide all of the following items ( toilet paper and hand paper towels, trash bags, hand soap or any other accessory.

Thank you for taking the time to review this proposal. I am available anytime to answer additional questions.

661-202-0746

Thank you Respectfully

A handwritten signature in black ink, appearing to read 'Martha Pinal', with a stylized, cursive script.

Martha Pinal

# MARTHA'S CLEANING SERVICE

P.O Box 2238

California City, CA. 93504

September 24,2018

California City Hall

21000 Hacienda Blvd

California City, Ca. 93535

This will serve as our contract agreement for the cleaning of  
California City, Boys Scout Lodge Building

---

Martha's Cleaning will provide the following services per your request on  
weekly, monthly and twice a year.

Weekly cleaning will be as follow:

Vacuum the carpeted areas. Clean and sanitize the 2 bathrooms ( toilets,  
sinks, walls, floors, mirrors, urinals, paper and soap dispensers) refill paper  
and soap dispensers.

Clean and sanitize the 2 kitchens ( cabinets, refrigerators, sinks, stoves,  
walls and floors)

Wipe and dust cleared areas of desk and office furniture.

Clean 2 fireplaces. Dust the windows blinds, clean inside windows

Collect and dispose of all of the trash.

Clean inside and out of front and 2 side doors.

Wiping all of the switches plaques and door handles.

Fees will be as follow:

Weekly cleaning all of the above \$165.00

First initial cleaning all of the above plus all outside windows, light fixture and baseboard. \$500.00

Monthly outside windows \$95.00

Monthly or as requested light fixture \$100.00

Twice a year carpet shampoo cost to be determined according to desired area size, at cost of 0.47 cents per square foot.

Martha's cleaning will provide all of the cleaning supplies and equipment.

Customer will provide all of the following items ( toilet paper and hand paper towels, trash bags, hand soap or any other accessory.

Thank you for taking the time to review this proposal. I am available anytime to answer additional questions.  
661-202-0746

Thank you Respectfully

A handwritten signature in black ink, appearing to read 'Martha Pinal', with a stylized, cursive script.

Martha Pinal





# CITY COUNCIL

October 9, 2018

**TO:** Mayor and City Council

**FROM:** Robert Stockwell, City Manager

**SUBJECT:** Purchase and Sale Agreements

**BACKGROUND:** Beginning in November 2016 and through June 2017 the City acting as the RDA Successor Agency entered into three Purchase and Sale Agreements that resulted in the sale of several parcels of property held by the prior California City Redevelopment Agency to developers who proposed to use these properties for new commercial and manufacturing businesses. These Purchase and Sale Agreements followed the same basic format and contained various conditions and dates for performance.

The developers are: K & D Estates, Inc.; Canna Pharmaceuticals, Inc. and Meister & Meister, Inc.; As noted in the memorandum to Council on July 24, 2018, each of these agreements is in default for failing to provide a Performance Bond, obtaining building permits, commencing construction, and/or receipt of certificates of occupancy. The City's remedy for these defaults would be to declare them in default, give adequate time to cure the default, and if the developer cannot bring the project into compliance to return 50% of the purchase price and take possession of the properties.

In the case of the Canna Pharmaceuticals, Inc. and Meister & Meister, Inc. agreements, the lack of adequate electrical and gas service is a barrier to them proceeding as originally planned. To date there has not been a firm date set by either utility on when expanded service will be available. Canna Pharmaceuticals, Inc. was delayed in closing of escrow by the fact that local title companies would not handle a cannabis related transaction due to fear of federal interference. Ultimately an alternative source was found, and the closing was completed.

*Note: Meister & Meister, Inc. have installed at their expense the required underground electrical infrastructure needed to serve this section of the city's Airport and Manufacturing Zones. These improvements will serve all potential electrical customers in the area and will accelerate the ultimate development of this critical area of the city.*

**STRUCTURE AND INTENT OF THE AGREEMENTS:** On the face of the agreements it is apparent that the City intended to ensure that the developers would move aggressively to bring the various projects to completion within a reasonable time frame after the closing of the purchase and that they would provide a performance bond to ensure that if they failed to perform as called for in the agreement the City would have the funds to complete the projects. Some have also stated that the City intended that the developers could not simply resale the undeveloped property for a profit.

**PERFORMANCE BOND:** The developers were each tasked with obtaining a performance bond concurrent with the Closing of Escrow. The concept of a performance bond is that an insurer will guarantee that a project such as a building or other physical improvement would be completed as designed and within a specified term, should the purchaser of the Bond fail to do so. In the context of these Purchase and Sale Agreements there is no direct requirement that a specific project or projects meet a specific design. Indeed, the only reference to buildings is based upon minimum square feet to be constructed. Before any developer could obtain a performance bond they would have to have gone through all the steps of environmental clearance, site planning, design and engineering, building design and engineering, obtaining a building permit and having a firm contract with appropriate contractor/s that specified the cost and timing of construction. Without all of these elements no one could properly size the performance bond. To have this completed at Closing of Escrow would have been impossible unless the closing was delayed for the time necessary to complete all of the steps that must be followed to obtain a performance bond.

**TIMING OF OBTAINING PERMITS AND COMPLETING CONSTRUCTION:** Each of the agreements include some form of required performance dates relating to closing, performance bonds, obtaining building permits, commencing and completing construction, and/or obtaining certificates of occupancy. In all three cases these dates have been missed to varying degrees.

**RECOMMENDATION:**

Based upon the forgoing synopsis of the basics of the three agreements staff makes the following recommendations:

Successor Agency Board to authorize the executive director of the Successor Agency to execute the three attached Amendments to the purchase sale agreements, in a final form approved by the city attorney.

The Amendments will accomplish the following:

**K & D ESTATES, Inc.**

1. Amend Section 1. (C.) to require completion of the project and receipt of a Certificate of Occupancy by December 31, 2018.
2. Eliminate Section 5. Performance Bond.
3. Insert a prohibition that Buyer cannot sell the property prior to completion of the project and receipt of the Certificate of Occupancy.
4. Make and other changes that correlate to items 1, 2, and 3 above.
5. Present Amended Agreement to City Council for final approval.

**CANNA PHARMACEUTICALS, Inc.**

1. Amend Section 5 Timing of Development, to begin upon approval of amendment by City Council as follows:
  - A. Civil Engineering and permitting 4-5 months.
  - B. Electrical Plans and approval 5-6 months.
  - C. Architectural Plans and approval 2 months.
  - D. Construction 12 months after Completion of items A – C above.

- E. Final Approvals Certificate of Occupancy 1-2 months after completion of D above.
2. Eliminate Section 6. Performance Bond
3. Insert a prohibition that Buyer cannot sell the property prior to completion of the project and receipt of Certificate of Occupancy.
4. Present Amended Agreement to City Council for final approval.

All time line estimates are dependent upon Southern California Edison and Southern California Gas completing the required upgrades to their systems serving this area of California City. In addition to the proposed amendments above we need to incorporate wording that recognizes the constraints based upon the current insufficient electrical and gas service to these properties.

**MEISTER & MEISTER, Inc.**

1. Amend Section C. Reversion of Fee Title Interest as follows:
  - A. Reduce the total sq. ft. of the proposed building/s from 168,000 sq. ft. to 60,000 sq. ft. to reflect the actual electrical capacity that would be available for the next several years. Buyer shall be allowed to construct either a single 60,000 sq. ft. structure or multiple structures totaling 60,000 sq. ft.
  - B. Construction on the structure/s will begin within 120 days of and a Certificate of Occupancy shall be issued within 12 months of execution of this amendment.
2. Eliminate Section 6. Performance Bond form the original agreement.
3. Insert a prohibition that Buyer cannot sell the property prior to completion of the project and receipt of Certificate of Occupancy.
4. Present Amended Agreement to City Council for final approval.

**FISCAL AND ENVIRONMENTAL IMPACT:** Amending these agreements will save the city the cost pursuing a lengthy process of declaring the agreements in default and likely litigation before the city would be free to entertain alternative proposals for development. Additionally, the city would be required to repay the developers 50% of the original sale price if we prevailed in declaring the default. The funds from the original purchases were transferred to the Successor Agency to repay the obligations of the RDA and are no longer available to the city. Any repayment to the developers would have to come from the city's general fund.

Allowing the developers additional time ensures that as additional electrical and gas services become available we will have projects ready to begin construction rather than starting over with possible new developers after the lengthy and bitter process of default resolution.

## AMENDMENT NO. 1

TO

### REAL PROPERTY PURCHASE AND SALE AGREEMENT

THIS AMENDMENT NO. 1 to the Real Property Purchase and Sale Agreement ("Amendment") is entered effective on the date fully executed by and between the Successor Agency of the Former Redevelopment Agency of the City of California City, a separate public entity ("Successor Agency" or "SELLER") and K & D Estates, a general partnership organized under the laws of the State of California ("BUYER").

#### RECITALS

A. SELLER and BUYER entered into that certain Real Property Purchase and Sale Agreement on or about November 8, 2016 ("Agreement").

B. BUYER has been unable to timely complete the construction of certain improvements required by the Agreement ("Project").

C. SELLER holds a reversionary right to the Property that is the subject of the Agreement ("Property"), which reversionary right is triggered upon the failure of BUYER to timely secure Certificates of Occupancy for the Project.

E. Notwithstanding the foregoing, SELLER and BUYER desire for the Project to proceed to completion, provided that BUYER agrees to secure Certificates of Occupancy no later than December 31, 2018.

H. SELLER and BUYER desire to amend the Agreement so as to modify the term related to the SELLER's reversionary interest in the Property and the BUYER's obligation to complete construction.

#### AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and all the recitals that are incorporated herein by this reference, the Parties hereby agree to amend the Agreement as follows:

**SECTION 1.** Section 1.C entitled "Reversion of Fee Title Interest" shall be removed in its entirety and replaced with the following:

Release of Possibility of Reverter. SELLER shall record against the Property a Release of Possibility of Reverter, provided that BUYER secures Certificates of Occupancy for the Project no later than December 31, 2018.

**SECTION 2.** Section 6 entitled "Performance Bond" shall be removed in its entirety and replaced with the following:

No Sale or Transfer of Property. BUYER expressly agrees that BUYER shall not sell or transfer the Property at any time prior to completion of the project and receipt of Certificates of Occupancy.

**SECTION 3.** Except as specifically modified herein, all of the terms, conditions, and provisions of the Agreement shall remain in full force and effect.

**SECTION 4.** The Agreement, all amendments together with this Amendment No. 1 and all Exhibits attached thereto, if any, constitutes the entire Agreement between the Parties and supersedes all prior negotiations, arrangements, representations, and understandings, if any, made by or between the Parties with respect to the subject matter hereof. No amendment or other modification of the Agreement, as modified by this Amendment No. 1 shall be binding unless executed in writing by both Parties hereto, or their respective successors, assigns, or grantees.

**SECTION 5.** Each of the undersigned represents and warrants that he or she is duly authorized to execute and deliver this Amendment No. 1 and that such execution is binding upon the entity for which he or she is executing this document.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as follows:

SELLER:

Successor Agency of the Former  
Redevelopment Agency of the City of  
California City

\_\_\_\_\_  
Robert Stockwell, Executive Director

Date:

ATTEST:

\_\_\_\_\_  
Denise Hilliker, City Clerk

BUYER:

K & D Estates

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Signature

Date:

## AMENDMENT NO. 2

TO

### REAL PROPERTY PURCHASE AND SALE AGREEMENT

THIS AMENDMENT NO. 2 to the Real Property Purchase and Sale Agreement ("Amendment") is entered effective on the date fully executed by and between the Successor Agency of the Former Redevelopment Agency of the City of California City, a separate public entity ("Successor Agency" or "SELLER") and Canna Pharmaceuticals, Inc., a California corporation organized under the laws of the State of California ("BUYER").

#### RECITALS

A. SELLER and BUYER entered into that certain Real Property Purchase and Sale Agreement on or about June 2017 ("Agreement").

B. BUYER has been unable to timely complete the construction of certain improvements Sufficient to serve as the primary location for a cannabis business in accordance with the City's municipal code requirements and as required by the Agreement ("Project").

C. SELLER holds a reversionary right to the Property that is triggered upon the failure of BUYER to timely complete construction and secure Certificates of Occupancy on the project.

E. Notwithstanding the foregoing, SELLER and BUYER desire for the project to proceed to completion and that BUYER, does, in fact, secure Certificates of Occupancy no later than a date set certain.

H. SELLER and BUYER desire to amend the Agreement so as to modify the term related to the SELLER's reversionary interest in the Property and the BUYER's obligation to complete construction.

#### AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and all the recitals that are incorporated herein by this reference, the Parties hereby agree to amend the Agreement as follows:

**SECTION 1.** Section 1.C entitled "Reversion of Fee Title Interest" shall be removed in its entirety and replaced with the following:

Release of Possibility of Reverter. SELLER shall record against the Property a Release of Possibility of Reverter, provided that BUYER secures Certificates of Occupancy for the Project no later than December 31, 2020.

**SECTION 2.** Section 5 entitled "Timing of Development" shall be removed in its entirety and replaced with the following:

BUYER shall develop the Project and complete the following within the stated amount of time, beginning upon the City Council's approval of this Amendment No. 2:

- A. Civil Engineering and permitting within 4-5 months.
- B. Electrical Plans and approval within 5-6 months.
- C. Architectural Plans and approval within 2 months.

- D. Construction no later than 12 months after Completion of items A – C above.
- E. Final Approvals Certificate of Occupancy within 1-2 months after completion of D above.

Notwithstanding the foregoing, BUYER and SELLER and CITY acknowledge that the aforementioned deadlines may be impacted by the ability of Southern California Edison and Southern California Gas to successfully install service to the Property. "... In such event, such deadlines for performance may be reasonably adjusted by the city manager, in his/her reasonable discretion, without the need for further amendment to the Agreement, as amended.

**SECTION 3.** Section 6 entitled "Performance Bond" shall be removed in its entirety and replaced with the following:

No Sale or Transfer of Property. BUYER expressly agrees that BUYER shall not sell or transfer the Property at any time prior to completion of the project and receipt of Certificates of Occupancy.

**SECTION 4.** Except as specifically modified herein, all of the terms, conditions, and provisions of the Agreement shall remain in full force and effect.

**SECTION 5.** The Agreement, all amendments together with this Amendment No. 2 and all Exhibits attached thereto, if any, constitutes the entire Agreement between the Parties and supersedes all prior negotiations, arrangements, representations, and understandings, if any, made by or between the Parties with respect to the subject matter hereof. No amendment or other modification of the Agreement, as modified by this Amendment No. 2 shall be binding unless executed in writing by both Parties hereto, or their respective successors, assigns, or grantees.

**SECTION 6.** Each of the undersigned represents and warrants that he or she is duly authorized to execute and deliver this Amendment No.2 and that such execution is binding upon the entity for which he or she is executing this document.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as follows:

SELLER:

Successor Agency of the Former  
Redevelopment Agency of the City of  
California City

\_\_\_\_\_  
Robert Stockwell, Executive Director

Date:

ATTEST:

\_\_\_\_\_  
Denise Hilliker, City Clerk

BUYER:

Canna Pharmaceuticals, Inc

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

Date:



**AMENDMENT NO. 2**  
**TO**  
**REAL PROPERTY PURCHASE AND SALE AGREEMENT**

THIS AMENDMENT NO. 2 to the Real Property Purchase and Sale Agreement ("Amendment") is entered effective on the date fully executed by and between the Successor Agency of the Former Redevelopment Agency of the City of California City, a separate public entity ("Successor Agency" or "SELLER") and Meister & Meister, Inc., a California corporation organized under the laws of the State of California ("BUYER").

**RECITALS**

A. SELLER and BUYER entered into that certain Real Property Purchase and Sale Agreement on or about December 1, 2016 ("Agreement").

B. BUYER has been unable to timely complete the construction of certain improvements sufficient to serve as the primary location for a cannabis business in accordance with the city's municipal code requirements and as required by the Agreement ("Project").

C. SELLER holds a reversionary right to the Property that is triggered upon the failure of BUYER secure Certificates of Occupancy on the project.

E. Notwithstanding the foregoing, SELLER and BUYER desire for the project to proceed to completion provided that BUYER, does, in fact, secure Certificates of Occupancy no later than a date set certain.

H. SELLER and BUYER desire to amend the Agreement so as to modify the term related to the SELLER's reversionary interest in the Property and the BUYER's obligation to complete construction.

**AMENDMENT**

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and all the recitals that are incorporated herein by this reference, the Parties hereby agree to amend the Agreement as follows:

**SECTION 1.** Section 1.C entitled "Reversion of Fee Title Interest" shall be removed in its entirety and replaced with the following:

Release of Possibility of Reverter. SELLER shall record against the Property a Release of Possibility of Reverter, provided that BUYER secures Certificates of Occupancy for the Project no later than October 31, 2019. To secure necessary Certificates of Occupancy, BUYER shall construct a total of sixty (60) thousand square feet of structures in either multiple structures or a single structure and obtain final approvals from the City of California City.

**SECTION 2.** Section 5 entitled "Timing of Development" shall be removed in its entirety and replaced with the following:

BUYER shall begin construction on the structure or structures within 120 days after execution of this amendment.

**SECTION 3.** Section 6 entitled "Performance Bond" shall be removed in its entirety and replaced with the following:

No Sale or Transfer of Property. BUYER expressly agrees that BUYER shall not sell or transfer the Property at any time prior to completion of the project and receipt of Certificates of Occupancy.

**SECTION 4.** Except as specifically modified herein, all of the terms, conditions, and provisions of the Agreement shall remain in full force and effect.

**SECTION 5.** The Agreement, all amendments together with this Amendment No. 2 and all Exhibits attached thereto, if any, constitutes the entire Agreement between the Parties and supersedes all prior negotiations, arrangements, representations, and understandings, if any, made by or between the Parties with respect to the subject matter hereof. No amendment or other modification of the Agreement, as modified by this Amendment No. 2 shall be binding unless executed in writing by both Parties hereto, or their respective successors, assigns, or grantees.

**SECTION 6.** Each of the undersigned represents and warrants that he or she is duly authorized to execute and deliver this Amendment No. 2 and that such execution is binding upon the entity for which he or she is executing this document.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as follows:

SELLER:

Successor Agency of the Former  
Redevelopment Agency of the City of  
California City

\_\_\_\_\_  
Robert Stockwell, Executive Director

Date:

ATTEST:

\_\_\_\_\_  
Denise Hilliker, City Clerk

BUYER:

Meister & Meister, Inc

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

Date: